LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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VISION AND MISSION STATEMENT

Vision Statement

Committed to serve, protect and promote a safe and pleasant park experience, while preserving the integrity of the vital natural and cultural resources of the East Bay.

Mission Statement

The mission of the Police Department is to provide the greatest level of Safety, Service, and Stewardship within the East Bay Regional Park District.

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VALUES

Ethics and Honesty

The integrity of the East Bay Regional Park District Police is reflective of each member of our organization. We must be mindful of this responsibility at all times. We will not sacrifice principle for expediency, be hypocritical or act in an unscrupulous manner.

Commitment and Dedication

To actively contribute to the welfare of the community and to genuinely care about improving the quality of life of those we serve.

Service

We care about the quality of life in the East Bay and believe that our services must answer the needs of the community we serve.

Accountability

We are accountable to the citizens for our performance, use of resources and stewardship of assets. We are accountable to each other for attainment of our mission, our vision and the adherence to our values.

Quality of Service

We commit ourselves to excellence by providing the highest quality service possible to make our parks better and safer places to visit.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the East Bay Regional Park District Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

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

100.2.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE EAST BAY REGIONAL PARK DISTRICT POLICE DEPARTMENT

The arrest authority within the jurisdiction of the East Bay Regional Park District Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.

(c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE EAST BAY REGIONAL PARK DISTRICT POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the East Bay Regional Park District Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person committed a felony.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.

(c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

(d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

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(e) In compliance with an arrest warrant.

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

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

100.2.3 TIME OF MISDEMEANOR ARRESTS

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

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:

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

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

(c) The arrest is made with the person in custody pursuant to another lawful arrest.

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

100.2.4 OREGON AUTHORITY

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

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

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

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

East Bay Regional Park District Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

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

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100.3 POLICY

It is the policy of the East Bay Regional Park District Police Department to limit its members to only exercise the authority granted to them by law.

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

100.6 APPLICABLE STANDARDS AND DATES

CALEA standards: 1.2.1, 1.2.2, 1.2.3, 1.2.5, 1.2.7, 22.2.1

Effective: January 2004

Revisions: July 1, 2008; November 1, 2008; March 30, 2009; November 23, 2009; July 27, 2015; July 25, 2016; September 20, 2017; June 26, 2018; March 27, 2019; October 7, 2020

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Direction

101.1 PURPOSE AND SCOPE

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

101.2 RESPONSIBILITY FOR DIRECTION AND CONTROL

The Chief of Police has the sole authority and responsibility for the management, direction, administration and control of the operation of the Police Department pursuant to §5561 of the California Public Resource Code and §38630(a) of the California Government Code.

101.3 COMMAND ORDER OF PRECEDENCE AND PROTOCOL

When the Chief of Police is absent, the order of precedence for command authority is the most senior Captain. In case of incapacitating injury to, or death of the Chief, the senior Captain is responsible for the operation of the department until the General Manager names a replacement. The echelon of command for the East Bay Regional Park District is as follows:

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

In the event of a planned absence, the Chief of Police will name an Acting Chief of Police. In the event no Acting Chief of Police is appointed, the line of succession, in the absence of the Chief of Police is as follows:

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

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

(a) The command structure always follows the chain of command.

(b) Whenever the command structure is not easily distinguishable by rank, responsibility of command remain with the command officer having primary functional responsibility.

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(c) Whenever command structure is easily distinguishable by rank, but the command officer having primary functional responsibility is of lower rank; the responsibility of command remains with the highest-ranking officer.

(d) Primary functional responsibility means matters that fall within an officer's normal responsibilities and duties.

101.4 REQUIREMENT TO OBEY LAWFUL ORDERS

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

101.4.1 UNLAWFUL ORDERS

Employees must never obey any order that they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, employees must request the issuer to clarify the order or to confer with higher authority.

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

101.5 INTER-OFFICE COMMUNICATION AND MEETINGS

It is the policy of the East Bay Regional Park District Police Department to conduct regular meetings at all levels of command within the organization, to maintain an effective communications network and promote cooperation and coordination throughout the organization. In addition to formal meetings, non-patrol employees should take opportunities to attend briefings and all employees should read department informational publications.

101.5.1 DEPARTMENT MEETINGS

The Chief or his/her designee may call a meeting of all personnel at his/her discretion. When an employee feels a meeting of all department personnel is necessary, he may make a written request for such meeting to the Chief through the chain of command.

101.5.2 COMMAND STAFF MEETINGS

The Chief's Staff Meetings are generally held once per week. The attendees of these meetings include: ranks of police Lieutenants and above, Fire Chief, Assistant Fire Chief, Aquatics Manager, Communications and Records Manager, Executive Secretary and any other member invited on specific topics.

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101.5.3 STAFF MEETINGS

The Expanded Staff Meeting includes all supervisory and command staff members and normally occurs on a quarterly basis. Additional attendees include the Police Officer Association President. Other Department Members may be invited regarding specific topics discussed.

101.5.4 SUPERVISOR MEETINGS

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

Meetings occur as necessary, not to exceed one (1) per month. The member chairing the meeting should assure an agenda is prepared and followed as appropriate. Meetings generally do not exceed one and one-half hours in length unless designed as a workshop or training event. The Division Commander or his/her designee review the minutes of the supervisors meeting before distribution of the minutes occurs. The Division Commander sends a copy of the Supervisor's Meeting minutes to the Chief of Police. All supervisors must attend unless his/her manager excuses them or extenuating circumstances exist.

101.5.5 LABOR-MANAGEMENT MEETINGS

The Chief supports the use of Labor-Management meetings as a tool to maintain Labor-Management relations and open communication. These meetings are scheduled monthly with the East Bay Regional Park District Police Association President and the Chief of Police.

101.5.6 BRIEFINGS

At the beginning of each watch, Supervisors in Patrol brief their personnel. Substation briefings may occur via electronic communications. Watch Supervisors are responsible to provide information from the Records Management System, Crime Analysis, Personnel Orders, Special Orders, Training Bulletins, memorandums, and various meeting minutes as may be available and pertinent. Briefings should be brief, targeting 15 minutes as a maximum length. Briefings should have a standard agenda that quickly disseminates information.

During briefings Supervisors should be advised of any pending calls. If an officer is dispatched to a call before the briefing is concluded, the supervisor should make efforts to contact that officer later in the shift to pass on the missed information.

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

101.6 EMAIL COMMUNICATIONS

The East Bay Regional Park District encourages the use of email to aid in communicating internally and externally in an efficient manner. However, information overload is always a problem. Department members should refrain from sending unnecessary emails and choose recipients narrowly. See §212 of this Manual for further policy on Email.

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101.7 APPLICABLE STANDARDS AND DATES

CALEA standards: 12.1.1, 12.1.2, 12.1.4, 33.5.2, 41.1.2

Effective: November 12, 2008

Revisions: March 30, 2009; November 23, 2009; February 12, 2013, June 26, 2018

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Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

102.2 APPLICABLE STANDARDS AND DATES

CALEA standards: 33.7.2

Effective: January 2004

Revisions: May 23, 2006; July 1, 2008; November 1, 2008, January 7, 2021

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Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

It is the policy of the East Bay Regional Park District 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 WRITTEN OATH OF OFFICE

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

104.5 PUBLIC ORAL OATH OF OFFICE

Sworn officers may be scheduled to attend a Board of Directors Meeting or other public event to perform the ceremonial Oath of Office, publicly proclaiming their Oath of Office. This appearance should occur within the first 90 days of their employment. The Oath is administered by the Chief of Police, or other appropriate public official.

104.6 MAINTENANCE OF RECORDS

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

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104.7 APPLICABLE STANDARDS AND DATES

CALEA standards: 1.1.1

Effective: January 2004

Revisions: July 1, 2008; November 1, 2008; March 30, 2009; February 18, 2010; August 21, 2013; January 31, 2017

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Policy Manual

106.1 PURPOSE AND SCOPE

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

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

106.2 POLICY

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

106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the East Bay Regional Park District Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the District, 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 East Bay Regional Park District Police Department reserves the right to revise any policy content, in whole or in part.

106.3 AUTHORITY

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

106.4 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.

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Booking - Shall mean the process of fingerprinting and photographing arrested individuals. Booking may also include the collection of DNA samples where appropriate. Booking is handled by personnel at the respective jail facilities.

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

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

District - The East Bay Regional Park District.

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

Department/EBRPD PD - The East Bay Regional Park District Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The East Bay Regional Park District Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the East Bay Regional Park District Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers.

Officer - Those employees, regardless of rank, who are sworn peace officers of the East Bay Regional Park District Police Department.

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

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

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

Rank - The title of the classification held by a member.

Shall or will - Indicates a mandatory action.

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

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Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment. Members in these positions should supervise those they oversee for adherence to the policies in this manual.

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. Supervisor acting pay may only be received if authorized by a manager.

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

USC - United States Code.

106.5 ISSUING THE POLICY MANUAL

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

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

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 REVISIONS TO POLICIES

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

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

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

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate. Suggestions for Policy and/or Procedures changes may also be submitted to the Professional Standards Unit for consideration.

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106.8 APPLICABLE STANDARDS AND DATES

CALEA standards: 1.2.5, 4.3.4, 12.2.1, 12.2.2

Effective: January 2004

Revisions: May 23, 2006; February 12, 2007; July 1, 2008; November 1, 2008; March 30, 2009; February 18, 2010; July 22, 2010; February 3, 2011; September 17, 2012; February 12, 2013; February 27, 2014; July 25, 2016; September 20, 2017

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Policing Jurisdiction

107.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers guidance on circumstances that may warrant intervention in law enforcement matters outside District parklands and to set forth procedures on how to handle and dispose of outside law enforcement matters.

107.2 POLICY

Department policy requires that officers provide maximum coverage to District parklands, yet affords them reasonable discretion to intervene in outside law enforcement matters if there is a serious threat to public safety. Whenever officers become involved in such incidents, they are expected to resume their District-related duties as soon as possible.

107.3 DEFINITION OF TERMS

(a) **Parklands -** Includes any park, roadway, trail or land owned or operated by the Park District. It also includes any of the above that are policed by the Park District under a formal policing agreement.

(b) **Totality of circumstances -** Refers to the range of factors that an officer should consider in deciding whether to intervene in an incident.

(c) **Informal mutual aid -** Refers to the assistance law enforcement agencies provide one another routinely. In contrast, formal mutual aid is assistance requested through established county and state mutual aid channels.

(d) **Adjacent roadway -** Means any public road that is not District property, but is bounded on one or both sides by District parklands for a significant distance. Although local agencies may provide some level of patrol, District officers may also provide coverage incidental to their other duties because of problems that may have a substantial impact on adjacent parklands.

(e) **Local police agency -** Means the law enforcement agency having primary responsibility for providing police services in a given political jurisdiction.

(f) **Serious threats to public safety -** Refers to any situation in which life, limb or property is in imminent danger by hazardous or reckless criminal conduct. Traffic infractions and mechanical violations alone do not give rise to out-of-park enforcement action. Because officers are charged with providing law enforcement service to the East Bay Regional Park District and its contract agencies, officers taking out-of-park enforcement action should be prepared to provide clear and articulable justification for taking such action.

(g) **Concurrent Jurisdiction -** Refers to the authority of all duly appointed sworn police officers to take enforcement action within the lands of the East Bay Regional Park District and may include officers from municipal, county, state, and federal law enforcement agencies.

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(h) **Policing Agreement -** Refers to a formal written agreement between the Chief of the East Bay Regional Park District Police Department and the Chief of the local agency within where the District facility is geographically located.

107.4 PROCEDURE

107.4.1 CRITERIA FOR INTERVENTION

An officer's decision to intervene in an outside law enforcement matter shall be based upon the totality of circumstances in each case. Important factors shall be documented in any police reports completed on the incident.

107.4.2 NOTIFICATION TO DISPATCH

(a) Whenever an officer takes action in an outside law enforcement matter, he or she shall notify the Communications Center as soon as practical of the place and circumstances of the incident, and whether the local agency should respond.

(b) The Communications Center shall immediately notify the local agency if cover is needed or the incident will be turned over to them.

(c) Notification is not required if the contact is brief and disposed of informally.

(d) Handling minor violations. At times officers will observe relatively minor violations that do not justify formal intervention, but may warrant brief informal contacts intended solely for the purpose of warning or educating violators.

107.4.3 ROUTINE TRAFFIC ENFORCEMENT

(a) Routine enforcement of regulatory or minor traffic laws (non-hazardous violations) outside of District parklands is prohibited.

(b) However, upon approval of the Field Operations Commander, routine enforcement may be used selectively on adjacent roadways to control actual or potential problems that may have a substantial impact on District parklands. In all cases, the Commander shall confer with the local agency to determine if it is able to provide the coverage needed before authorizing such enforcement.

(c) Such enforcement shall be incidental to the performance of other patrol duties and shall not unduly divert officers from other higher priority tasks.

(d) Minimizing time spent on outside law enforcement matters. Whenever it is feasible and appropriate, officers shall turn outside matters over to the local agency as soon as practical, subject to the following guidelines:

1. District officers shall assist to the extent needed to ensure a smooth transfer of responsibilities.

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2. Any required reports, including the processing of evidence, shall be completed to provide the local agency a full account of the District officer's observations and actions.
3. District officers shall remain until local agency officers have assumed safe custody of any suspects.
4. There is agreement that the case should be handled by the local agency.

107.4.4 DISPUTED JURISDICTION

(a) If there is a serious dispute over which agency should assume responsibility for an incident, the officer shall request a patrol supervisor from each agency at the scene to resolve the dispute.

(b) If the dispute cannot be resolved, the district officer shall handle the incident in a manner that best serves the interests of public safety.

(c) The on-scene supervisor shall prepare a report to the Chief of Police anytime there is an unresolved jurisdictional dispute. The report shall be submitted through channels with the appropriate endorsements.

(d) If the local agency is unable to assume responsibility for good cause, District officers shall proceed in accordance with standard investigative procedures.

(e) In such cases, the Communications Center shall immediately advise the involved officer's supervisor of the situation. The supervisor shall confer with the officer to determine what course of action should be taken.

(f) The Detective Unit shall ensure that copies of any reports completed on the incident are routed to the local agency.

107.4.5 PARTICIPATING IN TACTICAL NETS

(a) The department will participate in the two countywide tactical nets (SNARE- Southern Alameda County and 666 - Contra Costa County) to the extent feasible and appropriate.

(b) The supervisor of the Communications and Records Section shall be responsible for developing and maintaining department procedures for participating in the two tactical nets.

107.4.6 AIR SUPPORT UNIT OPERATIONS

Helicopter operations shall be subject to the same procedures as ground units with the following exceptions:

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(a) The Pilot-in-Command, upon notification from the Communications Center, may respond to informal law enforcement and fire mutual aid requests at his/her discretion, based upon the following:

1. Seriousness of the underlying incident.
2. Whether the request can be handled safely.
3. The existence of higher priorities within the Park District.
4. The unavailability of other helicopters within the two-county area.

(b) All non-urgent requests shall be submitted to the Commander of the Special Operations Division for prior approval.

(c) Whenever possible, requests for assistance outside the District's two-county jurisdiction shall be referred to the Special Operations Division Commander for approval. In his/her absence, the Watch Commander shall be consulted. If neither commander is available, the Pilot-in-Command may approve the request subject to the above guidelines and the following provisions:

1. The location of the incident is in an adjacent county and less than fifteen minutes flight time.
2. The District derives a significant benefit from maintaining an informal mutual aid relationship with the requesting authority.
3. All other helicopters available to the requesting authority are depleted or not in service.
4. A life-threatening situation is involved.

107.4.7 CONCURRENT JURISDICTION

While District officers have the primary policing jurisdiction within the lands of the East Bay Regional Park District and other lands the District operates or has a policing contract with, it is recognized that local agencies may periodically take enforcement action within District lands. Certain agencies have formal policing Agreements with the District, and personnel shall adhere to the terms and procedures outlined in the agreements.

107.4.8 REPORTING REQUIREMENTS

(a) Officers shall document their observations and actions in accordance with standard report writing procedures.

(b) For statistical purposes only, officers shall request that the Communications Center make a log entry in CAD to document involvement in outside law enforcement matters.

(c) Brief informal contacts, which are intended only for educational or warning purposes and do not require any type of report, need not be logged.

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107.5 SUPERVISORY RESPONSIBILITY

(a) Field supervisors shall review outside law enforcement activity regularly to ensure that it complies with this directive and that District officers are not being diverted significantly from their primary role of policing District parklands.

(b) The Department's Public Safety Systems Administrator shall ensure that outside law enforcement activity is reported in the monthly Crime and Enforcement Summary to assist supervisors in monitoring the level of outside activity.

107.6 APPLICABLE STANDARDS AND DATES

CALEA standards: 2.1.1, 2.1.2

Effective: January 2004

Revisions: May 23, 2006; July 1, 2008; November 1, 2008; May 6, 2009; July 22, 2010; January 31, 2017

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Law Enforcement Code of Ethics

108.1 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 agency .

108.2 POLICY

Every peace officer, during basic training, or at the time of appointment, shall be administered the Law Enforcement Code of Ethics. (11 CCR 1013).

108.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

108.3.1 OBJECTION TO RELIGIOUS AFFIRMATION
Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

108.4 APPLICABLE STANDARDS AND DATES
CALEA Standards: 1.1.2

Effective: August 22, 2007 [Policy Manual preface]

Revised : June 28, 2022 [Policy 108]

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the East Bay Regional Park District Police Department. There are three divisions in the Police Department as follows:

- Office of the Chief
- Support Services Division
- Operations Division

200.2.1 OFFICE OF THE CHIEF

The Office of the Chief is commanded by the Chief of Police, also known as the Assistant General Manager of Public Safety, whose primary responsibility is to provide general management direction and control for the Department and Division. The Office of the Chief consists of the Chief of Police, his/her administrative support, and the Chief's Adjutant.

200.2.2 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of administrative support, Communications, Records, Recruitment, Training, Professional Standards, Property and Evidence, and Student Aides.

200.2.3 OPERATIONS DIVISION

The Operations Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol, Air Support, Investigations, Special Operations, and the Volunteer Trail Safety Patrol.

200.3 AUTHORITY AND RESPONSIBILITY

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

200.3.1 DELEGATION OF AUTHORITY AND RESPONSIBILITY

(a) Commensurate authority accompanies the delegation of supervisory/command responsibility. Relief command personnel and acting supervisors assume the same responsibility and command the same respect and response to command as the regular supervisor. It is not mandatory that the supervisors always designate the senior

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employee as the acting commander/supervisor. The appointing authority must assign the employee he or she feels can best carry out the responsibilities of the position.

(b) If a supervisor or commander is absent without having made the appointment of an acting commander/supervisor and a supervisory decision becomes necessary, the senior highest ranking employee assumes authority and becomes responsible accordingly.

(c) When delegating authority, each employee is fully accountable for his/her decision to delegate authority, and also for the failure to delegate authority.

200.3.2 SUPERVISORY ACCOUNTABILITY FOR EMPLOYEES

All commanders, managers, supervisors and coordinators, or those delegated to such responsibilities, are responsible for the performance of employees under their immediate control. Each employee is accountable to only one supervisor at any given time.

200.4 ORGANIZATION CHART

The Department will maintain a graphical representation of the agency's organizational structure and function. This organizational chart will be updated as needed and will be available to all personnel, and the public, on the District website.

200.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: 11.1.1, 11.2.1, 11.3.1, 11.3.2

Effective: January 2004

Revised: March 2005; July 1, 2008; November 1, 2008; March 30, 2009, February 3, 2011; July 27, 2015; June 26, 2018; March 27, 2019; October 7, 2020

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Interim Directive

204.1 PURPOSE AND SCOPE

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

204.1.2 INTERIM DIRECTIVE PROTOCOL

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

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

Any Interim Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 09-01 signifies the first Interim Directive for the year 2009.

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Interim Directives.

204.3 ACCEPTANCE OF INTERIM DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Interim Directives. It is the responsibility of all supervisors to discuss all interim directives with their staff/team.

204.4 DISTRIBUTION AND RETENTION OF DIRECTIVES

Directives will be distributed electronically to staff.

204.5 APPLICABLE STANDARDS AND DATES

CALEA Standard: 12.2.1

Effective: January 2004

Revised: May 23, 2006; July 1, 2008; November 1, 2008; March 30, 2009; July 22, 2010; Feb 1, 2012; September 17, 2012

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Emergency Management Plan

206.1 PURPOSE AND SCOPE

Response to critical events and disasters require a high level of organization and management. To be most effective locally and regionally the East Bay Regional Park District has adopted the Incident Command System (ICS) and the National Incident Management System (NIMS). The District has prepared a comprehensive Emergency Operation Plan for use by all employees in responding to critical incidents such as natural and manmade disasters, pandemics, civil disturbances, mass arrests, bomb threats, hostage/barricaded person situations, acts of terrorism, and other unusual incidents. The plan follows standard ICS protocols, which include functional provisions for:

- Command
- Operations
- Planning
- Logistics
- Finance and Administration

The manual provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code §8610).

206.1.1 DEFINITIONS

The following are definitions for this policy section:

District Operations Center (DOC) - A District Operations Center is organized like an Emergency Operations Center with the difference being the event is primarily managed by one District department, ie; Operations Division. A DOC may be located at the EOC or other appropriate location or at the scene of event using Mobile Incident Command or at the District's Peralta Oaks headquarters.

Emergency Operations Center (EOC) - The primary Emergency Operations Center for the East Bay Regional Park District is located in the police facility. The alternate is located at Fire Station One, Tilden Regional Park, in Berkeley. The EOC is equipped to manage the support for most types of field incidents.

Emergency Operations Plan (EOP) - A plan developed by the East Bay Regional Park District to manage and support the response to multiple types of hazards and disasters. The plan is based on the management structure and principles based on the Incident Command System (ICS) and the National Incident Management System (NIMS).

206.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN (EOP)

The East Bay Regional Park District Police Department Emergency Operations Plan (EOP) is adopted pursuant to a resolution of the East Bay Regional Park District Board of Directors.

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The Emergency Operation Plan is maintained and edited by the Park District's Risk and Safety Manager. The Plan can be activated in a number of ways. For the Police Department, the Chief of Police, a Division Commander, or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency. A major emergency is defined as an incident that exceeds the capabilities or resources of the Department available at that time. Other Departments, such as Fire or Operations may activate the Emergency Operation Plan. Upon activation all members of the police department called upon are required to support the response to an emergency.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the East Bay Regional Park District 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.

206.3 LOCATION OF MANUALS

A printed manual for employees is available in the Communications Center, Emergency Operations Center Command Conference Room (Police Facility) and in the Mobile Incident Command Vehicle. An electronic version of the Emergency Operations Plan is available to all employees on the District's intranet system in the following location: P:\EmergencyPlan. All supervisors should familiarize themselves with the Emergency Operation Plan and what roles police personnel will play when the plan is implemented.

206.4 PRE-PLANNED CRITICAL EVENTS

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

(a) Special events

(b) Dignitary protection

(c) High risk or critical warrant services

(d) Other planned complex operations

206.5 TRAINING

The Recruitment and Training Unit will assure appropriate personnel are given annual training regarding the EOP and the operations in an emergency. At least biennially, documented training consisting of a tabletop or full-scale exercise to assess the agency's capabilities with the EOP and the Incident Command System will occur. The biennial training can be concurrent with the annual training or it may be a separate training.

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206.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 46.1.1, 46.1.2, 46.1.3, 46.1.9

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Revised: November 1, 2008; March 30, 2009; February 18, 2010, February 3, 2011; August 3, 2011; February 1, 2012; October 7, 2020

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Training

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

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

208.3 POLICY

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

208.4 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of our personnel.

(c) Provide for continued professional development of department personnel.

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

208.5 TRAINING SERGEANT

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

208.5.1 TRAINING RESTRICTION

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

208.6 TRAINING PLAN

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

- Legislative changes and case law
- State mandated training
- Critical issues training
- Perishable skills training
- Commission on Accreditation of Law Enforcement Agencies (CALEA) required training
- Required and recommended/enhancement training
- In-service training programs including:
  - Communications Dispatcher/CSO
  - Officer Field Training
  - Sergeants Training program

208.6.1 DEPARTMENT LESSON PLANS

All instructors conducting training courses for Departmental personnel must have a lesson plan for each course of instruction. Lesson plans should include the following:

- Training Objectives, describing performance/job related relevance
- Course outline/content of training
- Practical or written tests to be given, if any

Lesson plans require approval of the Training Sergeant who will review all material for relevance to job tasks, training needs (as indicated by the training needs assessment), POST requirements, demonstrated need, and Command Staff requests. The Training Sergeant will seek input from subject matter experts as necessary for this approval process.

208.6.2 DEPARTMENT TRAINING RECORDS

The Training Sergeant will maintain a file containing all training lesson plans conducted by the EBRPD Police Department. Each employee attending interdepartmental training will sign a training attendance form, which will include the instructor's signature indicating the employee has satisfactorily completed the training. If a test was given, or scores calculated, they will be placed in the training file as well.

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An employee attending approved training is responsible for submitting documentation of completion of the training course to the Training Sergeant. The Training Sergeant will maintain all submitted training records in a training file.

208.6.3 TRAINING REIMBURSEMENT
When an employee is assigned training outside the Department, the District will reimburse the employee for all expenses associated with the training. The Training Sergeant or his/her designee is responsible for coordinating travel arrangements, training expense advances and reimbursements (if any). The Training Sergeant should determine if a District vehicle is to be used for travel, or if mileage reimbursement is authorized. Mileage reimbursement guidelines outlined in the East Bay Regional Park District Personnel Administrative Manual will be followed.

208.6.4 TRAINING ATTENDANCE
All Department employees shall attend assigned training unless excused by their immediate supervisor and the Training Sergeant.

208.6.5 REMEDIAL TRAINING
Remedial Training may be assigned in the following circumstances:

- If assigned training is not completed satisfactorily
- If practical/written tests are not passed
- If work performance is below acceptable levels

The following remedial training criteria shall be met:

- Training should be given as soon as practical, within 30 days after identification of the need for remedial training, or otherwise as directed by the Chief of Police or Chief's designee.
- May include a Performance Improvement Program (P.I.P.) if appropriate
- Training should be provided until such time that the employee can satisfactorily demonstrate the required skill and or pass the required training/testing or until a failure to respond to the training has been demonstrated

Remedial training will be documented in the employee's training file. If an employee refuses or fails to respond to remedial training they may be subjected to the provisions of policy §§ 340.3.5.

208.6.6 BASIC ACADEMY ASSIGNMENTS
Personnel hired as a Police Trainee and assigned to attend a California P.O.S.T. certified law enforcement basic academy are referred to as "police recruits," and are not sworn peace officers.

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Once assigned to attend the academy, police recruits are under the direct supervision of academy staff. The Department Training Sergeant or his/her designee will serve as the liaison between the Department and the Academy.

Police recruits will receive copies of both the Policy Manual and Procedures Manual and will be provided training in the department policies and procedures during their training program.

Police recruits needing additional remedial training during their assignment in the basic academy may receive such training from a member of this department. This training shall be considered on a case by case basis and requires coordination with the assigned Academy staff to ensure consistency of training. The Training Sergeant shall be responsible for assigning such remedial training.

208.7 TRAINING NEEDS ASSESSMENT

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

208.8 TRAINING COMMITTEE

The Training Sergeant shall chair a Training Committee, which will serve to assist with identifying training needs for the Department, research and review new training ideas, review new programs and potential policy changes as directed by the Command Staff.

The Training Committee shall be comprised of at least three members, approved by the Command Staff and representing a cross section of members from the organization including a variety of job classifications, specialties, and units with the senior ranking member of the committee, or designee, acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Sergeant may remove or replace members of the committee at his/her discretion with approval of the Command Staff.

The Training Committee should review designated incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

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

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

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

The Training Committee should convene on a regular basis as determined by the Training Sergeant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Sergeant. The recommendation should not identify specific facts of any incidents, such as

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identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

208.9 TRAINING PROCEDURES

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

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

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

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

208.10 NEW HIRES

New hires will undergo training specific to their job assignment as outlined in the Master Training Plan and/or required by California Commission on Peace Officer Standards and Training (POST).

208.10.1 NEW HIRE DOCUMENTS

Upon hire, all Police Department employees shall be provided electronic access to, and assistance in reviewing of the following:

(a) Policy manual

(b) Procedures manual

(c) Applicable Memorandum of Understanding

(d) District Personnel Administrative Manual

(e) Current Strategic Plan

These documents provide to the employee, information on the agencies role, purpose, goals, policies and procedures as well as the working conditions, regulations, responsibilities and rights

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of employees. Benefits information will be provided to permanent employees through the Human Resources Division during employee orientation.

208.10.2 FORMS

The following forms shall be signed by all newly hired employees and retained in their training or department personnel file:

(a) Record of Information Receipt and Review Form including:

1. PD Policy Manual
2. PD Procedures Manual
3. Appropriate Memorandum of Understanding
4. Strategic Plan
5. Commission on Accreditation of Law Enforcement Agencies (CALEA) process overview

(b) Mandated reporting acknowledgment (in accordance with HR Policy and Procedures #16)

(c) East Bay Regional Park District Police Department Standards

(d) Oath of Office (sworn employees only)

208.10.3 ACCREDITATION TRAINING

The Training Sergeant will ensure that all personnel are familiar with accreditation and its impact on the East Bay Regional Park Police Department. The purpose of this training is to familiarize department members in all areas of accreditation including, but not limited to, history and background, the agency's involvement in the process including the self-assessment phase, the goals and objectives of accreditation and the advantages and impacts on the organization. Agency personnel shall receive this training by the accreditation manager or designee as follows:

(a) To all newly hired agency personnel within thirty days of their date of hire or within thirty days after completing the recruit academy.

(b) To all agency personnel during the self-assessment phase associated with achieving initial accreditation.

(c) To all personnel prior to an on-site assessment.

Due to the specialized role, any agency personnel assigned to the role of accreditation manager shall receive specialized accreditation manager training within one year of appointment. The newly selected manager should also attend at least one CALEA Conference during the current award period for additional training as well as participate in the local Police Accreditation Coalition (PAC).

208.11 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.1.2, 12.2.2, 22.1.4, 33.1.1, 33.1.2, 33.1.3, 33.1.4, 33.1.5, 33.1.6, 33.1.7, 33.2.3, 33.2.4, 33.4.1, 33.4.2, 33.4.3, 33.5.1, 33.5.2, 33.5.3, 33.5.4, 33.7.1, 33.7.2

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Effective: January 2004

Revisions: May 23, 2006; November 1, 2008; March 30, 2009; November 23, 2009; February 18, 2010; August 3, 2011; September 17, 2012; February 12, 2013; August 21, 2013; October 30, 2014; July 27, 2015; January 31, 2017; October 7, 2020; December 30, 2021; June 2, 2022; July 10, 2023

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Law Enforcement Services Agreement Policy

209.1 PURPOSE AND SCOPE

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

209.2 EMPLOYMENT RIGHTS OF ASSIGNED PERSONNEL

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

209.3 PRINCIPLES OF CONTRACT CONSTRUCTION FOR LAW ENFORCEMENT SERVICES CONTRACTS

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

(a) A statement of the specific services to be provided;

(b) Specific language dealing with financial agreements between the parties;

(c) Clear statement of the records to be maintained by each party concerning the performance of services by the provider agency;

(d) Language dealing with the duration, modification, and termination of the contract;

(e) Specific language dealing with risk management and legal contingencies, including insurance and indemnification of parties;

(f) Stipulation that the provider agency maintains control over its personnel;

(g) Specific arrangement for the use of equipment and facilities; and

(h) A procedure for review and revision, if needed, of the agreement.

209.4 RECOMMENDATION AND APPROVAL

All contracts for law enforcement services shall be reviewed and authorized by the Chief of Police and District Counsel for a recommendation to the General Manager. Once approved by the General Manager for Board of Directors consideration, the item will be placed on the next available Board of Directors agenda.

209.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: 3.1.1, 3.1.2

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Law Enforcement Services Agreement Policy

Effective: November 12, 2008

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Electronic Mail

212.1 PURPOSE AND SCOPE

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

212.2 EMAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users. Personal advertisements are not acceptable.

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

212.4 EMAIL RECORD MANAGEMENT

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

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

212.5 DISTRICT E-MAIL POLICIES

Members shall comply with all District E-mail Policies and Procedures including but not limited to the Information Technology Appropriate Use Guidelines.

212.6 APPLICABLE STANDARDS AND DATES

CALEA Standard: 26.1.3

Effective: January 2004

Revised: May 23, 2006; November 1, 2008; March 30, 2009; February 1, 2012; October 29, 2015

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Administrative Records

213.1 PURPOSE AND SCOPE

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

213.2 TYPES OF RECORDS MAINTAINED

The types of records maintained in the Office of the Chief of Police are described in the Procedure Manual A105.

213.3 METHODS OF STORAGE

Efforts should be made to handle records most efficiently and in an automated, digital format where possible.

213.4 RETENTION AND DESTRUCTION

Various positions within the Division are responsible for records retention and destruction. Refer to the records retention policy for specific requirements. Records shall be retained in accordance with State and Local law and the records retention policy.

213.5 APPLICABLE STANDARDS AND DATES

CALEA Standard: 82.3.5

Effective: November 12, 2008

Revised: March 30, 2009; August 21, 2013; May 18, 2016

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Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 PERSONNEL ORDER

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

214.3 CORRESPONDENCE

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

214.3.1 DISTRICT EMAIL AVATAR IMAGE

Personnel will choose a blank avatar (default initials), an image of their assigned Department patch, or a Department portrait photo.

214.4 SURVEYS

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

214.5 APPLICABLE STANDARDS AND DATES

CALEA Standard: NONE

Effective: January 2004

Revised: May 23, 2006; November 1, 2008; March 17, 2022

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Facility Security

215.1 PURPOSE AND SCOPE

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

215.1.1 MEMBER RESPONSIBILITY

Every member of the East Bay Regional Park District Police Department has the responsibility to contact and question individuals within our facility who are not familiar to them, not displaying official East Bay Regional Park District Police identification, or not wearing a law enforcement uniform, to ascertain their authority to be in the facility unescorted. Every member of the department shall adhere to the Facility Security Plan as outlined in the procedures manual.

215.2 MINIMUM STANDARDS FOR ACCESS

Access to the Public Safety Department and within the facility is controlled under the authority of the Chief of Police or his/her designee. To ensure high standards of security within the EBRPD Police Department, all individuals entering the facility, building(s) and property beyond the Front Lobby must have permission and authority to enter and must adhere to one of the following:

(a) Be a current Police Department employee in good standing.

(b) Escorted by a current/authorized Police Department employee at all times.

(c) Successfully passed a "Less Than Full" background check.

(d) Successfully passed a full background check.

(e) Be an on duty emergency personnel responding to an actual emergency within the building (i.e., ambulance, or Fire personnel).

215.3 PUBLIC, NON-PUBLIC, SECURED AND RESTRICTED AREAS

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

215.3.1 PUBLIC AREAS

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

- Front/Main parking lot
- Front Lobby
- Main Conference Room

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

215.3.2 NON-PUBLIC AREAS

Non-public areas that are accessible to individuals having permission or authority to enter the Police Department building and property beyond those specified in the "public" area definitions.

These visitors may include persons in custody or detained. In custody or detained individuals must be in the presence of a sworn agency employee at all times.

Non detained individuals must wear an appropriate, issued visitor identification badge and they must be escorted by an authorized East Bay Regional Park District Police Department employee at all times; or have met the requirements listed under "Non-Escorted visitors." Non-public areas of the Police Department are designated as the following areas:

- Conference Room
- Main hallways within the Police Department
- Evidence booking area
- Interview room
- Employee lunch/break room
- Briefing room
- Report writing room
- Men's and women's locker rooms
- Restrooms
- All other non-designated open areas within the building

Non-Escorted Visitor - A visitor identified as not requiring to be escorted by an authorized East Bay Regional Park District Police Department employee could be:

- A sworn officer from another Police agency
- An employee of the East Bay Regional Park District but not with the Public Safety Department
- A non-sworn employee of another Police agency with proper identification and approval of the Chief of Police
- Someone designated as such by the Chief of Police

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215.3.3 SECURED AREAS

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

Communications center

Records center/File Room

Storage/outbuildings (motors, additional evidence)

Investigations Unit

Individual locked offices

215.3.4 RESTRICTED AREAS

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

Evidence Office

Evidence Vault

Server Rooms

Armory

Radio Towers (off-site locations)

215.4 APPLICABLE STANDARDS AND DATES

CALEA Standards: 21.2.3, 81.3.1, 82.1.1

Effective: November 12, 2008

Revised: March 30, 2009; February 18, 2010; July 27, 2015

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Police Department

Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 MINIMUM STAFFING LEVELS

Watch commanders, managers, and supervisors are responsible for maintaining the appropriate number of personnel on duty for the conditions anticipated.

216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as field supervisors in place of a field sergeant.

With prior authorization from the Operations Division Commander, an officer may act as the Watch Commander for a limited period of time.

216.2.2 SUPERVISORS

For the purposes of this section, a supervisor is a sergeant, higher ranked officer, or officer designated as an acting supervisor.

216.3 WORKLOAD ASSESSMENTS

The distribution of personnel is based on workload and need. Over time, the number of police incidents, traffic issues, calls for service or community priority may change. A comprehensive study shall be completed by the Support Services Staff at least once every four years regarding workload and staffing. The Study shall include at minimum:

- The study should include patrol, investigation, dispatch and special enforcement functions using appropriate measures to assure the proper number of personnel are assigned at the proper times and the workload is being handled.
- The Chief or his/her designee is responsible for establishing a process and schedule for the completion of these studies. The overall study may be the compilation of smaller studies completed over the four-year period.

216.4 SHIFT ASSIGNMENTS

Both sworn and dispatch personnel will select shifts by seniority once a year. Each shift schedule is 6 months in duration, usually October through April and April through October. Days off are determined by the shift and team selected.

Shift sign-up is completed in two phases, both conducted by seniority.

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- During the first phase personnel select an available shift on either of the two schedules (summer or winter focus).
- During the second phase, personnel select an available shift on the second schedule (summer or winter focus).

Patrol officers are assigned to service areas at the direction of the sergeant or watch commander. Assignments should last for the duration of the shift schedule whenever possible to maintain continuity and increase beat familiarity.

216.4.1 SHIFT SWAP

Once the shift sign-up process set forth in Section 13.5.A of the Memorandum of Understanding between the East Bay Regional Park District and the East Bay Regional Park District Police Association is complete, regular full-time employees may switch their assigned patrol team or deployment location within their team. Each employee must enter the swap freely and without coercion. Each employee wishing to participate in a shift swap must submit a memorandum detailing the proposed terms of the shift swap through their chain of command.

Each supervisor or manager within that employee's chain of command will have the opportunity to review and weigh in on each request. The Supervising Division Captain or designee will have final approval and will ensure all the mandates of this section are met and will facilitate the shift swap and resulting schedule change.

Each employee participating in a shift swap must be in good standing, off probation, and not currently subject to any Performance Improvement Plan (PIP) or other extended remedial training program. Probationary employees are not eligible for a shift swap until their successful completion of probation.

Shift swaps will not be allowed for employees who are pending separation, retirement, transfer, or resignation from the Park District or on a modified or light duty assignment. Additionally, shift swaps will not be allowed for employees who have an offer letter and/or soon to be or recently promoted that will result in vacancy in the current rank.

216.4.2 SHIFT-TRANSFER LIST

Once an employee selects their winter and summer shift sign-up, the employee has the opportunity to submit one (1) shift-transfer request, for either Winter Watch or Summer Watch, for that Patrol schedule year. The employee's request will be added to the Shift-Transfer List. The Shift-Transfer List will be recorded by the Operations Senior Administrative Specialist, or the Supervising Division Captain's designee.

Should there be a vacancy created by a promotion, separation, transfer or reassignment, anemployee on the Shift-Transfer List can be considered for a transfer, by seniority, from the Shift-Transfer List.

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Factors to be considered in approving a shift transfer request include but are not limited to:

(a) the staffing status of the shift of the vacated team,

(b) the staffing status of the shift the requesting officer would be leaving if the transfer was approved, and

(c) the availability of employees who have recently completed their Training Program.

Temporary vacancies caused by employees on modified duty are not eligible for transfers.

Each employee participating in a shift transfer must be in good standing, off probation, and not currently subject to any Performance Improvement Plan (PIP) or other extended remedial training program.

Probationary employees are not eligible for a shift transfer until their successful completion of probation.

Shift transfer will not be allowed for employees who are on a modified or light duty assignment, orpending separation, retirement, transfer, or resignation from the Park District.

Additionally, shift transfers will not be allowed for employees who have an offer letter and/or soon to be or recently promoted that will result in vacancy in the current rank.

Public Safety Command Staff reserves the right to not fill a vacancy based on the staffing needs of the Department.

Nothing here is intended to infringe on management's rights as to scheduling and staffing of the Department.

216.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: 21.2.4, 41.1.1

Effective: January 2004

Revised: November 1, 2008; March 30, 2009; November 23, 2009; February 18, 2010; August 3, 2011; October 7, 2020; December 1, 2022; December 16,2022

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Official Funerals

219.1 PURPOSE AND SCOPE

To establish a policy this will ensure that Departmental representation at official funerals is conducted in a professional manner and demonstrates solidarity with the law enforcement community.

219.2 POLICY

It is Departmental policy to assist law enforcement agencies in Alameda and Contra Costa Counties in the conduct of official funerals.

219.3 DEFINITION OF TERMS

Official Funeral - A funeral in which an agency honors a deceased officer, reserve officer or employee by providing an honor guard, pallbearers, motorcycle escort and other suitable signs of official mourning.

Host Agency - The law enforcement agency employing the deceased.

219.4 PROCEDURES

(a) The Communications Center will promptly notify the Field Operations Commander or the on-call commander upon receipt of notification of pending official funerals.

(b) The Field Operations Commander shall give the notification due consideration and initiate any necessary arrangements for Departmental cooperation with the host agency.

(c) Departmental representation at official funerals in Alameda or Contra Costa County shall consist, normally, of two motorcycle officers and one marked patrol vehicle for other personnel. The total contingent shall not exceed four uniformed officers.

1. Representation at official funerals in the remaining seven Bay Area counties will be determined by the Field Operations Commander.

2. Normally, the Department will not be represented at official funerals occurring outside the Bay Area counties; however, exceptions may be made with the approval of the Chief of Police.

(d) Officers representing the Department shall wear the Class A uniform, with hat and white gloves. Consideration shall be given to the host agency's stated uniform requirements.

1. On-duty personnel may represent the Department, with their immediate supervisor's approval.

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2. Off-duty personnel may also represent the Department, but must do so on their own time.
3. Unofficial attendance at funerals by off-duty officers in appropriate attire is not restricted by this Directive.
4. Overtime pay shall not be authorized for attendance at funerals.

(e) Requests by the host agency for reduced participation will be honored; requests for increased participation or special assistance will be honored to the extent possible.

219.5 APPLICABLE STANDARDS AND DATES

CALEA Standard: NONE

Effective: January 2004

Revisions: July 1, 2008; November 1, 2008

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Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

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

220.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

220.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the East Bay Regional Park District Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

220.3.2 AUTHORIZATION

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

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

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

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

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

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

220.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

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

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

220.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) A photograph of the retiree.

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

(c) The date of retirement.

(d) The name and address of this department.

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

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220.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION
The East Bay Regional Park District Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

(a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.

(c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

220.4.3 QUALIFIED RETIRED RESERVES
Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

220.5 FORMER OFFICER RESPONSIBILITIES
A former officer with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

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

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

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

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

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

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

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

220.5.3 LOST OR STOLEN IDENTIFICATION CARD

Retirees who have been issued a Department Identification Card must report any loss or theft of such card to their local jurisdiction's law enforcement agency regardless of whether or not the identification card includes CCW privileges. A copy of the police report must also be submitted to the East Bay Regional Park District Police Department. A replacement card may be issued upon approval of the Chief of Police or designee.

220.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

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

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

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

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

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

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

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

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
3. The personal and written notification should be as follows:
   (a) The retiree’s CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

220.8 FIREARM QUALIFICATIONS

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

220.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: March 2005

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Retiree Concealed Firearms

Revised: May 23, 2006; July 1, 2008; November 1, 2008; November 23, 2009; February 18, 2010; July 22, 2010; August 21, 2013; February 27, 2014; July 27, 2015; October 29, 2015; June 26, 2018; October 7, 2020

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to

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the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 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 (Government Code § 7286(b)). Such alternatives may include but are not limited to:

(a) Attempts to de-escalate a situation.

(b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

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

(a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).

(e) The effects of suspected drugs or alcohol.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual’s apparent ability to understand and comply with officer commands (Penal Code § 835a).

(h) Proximity of weapons or dangerous improvised devices.

(i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

(k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

(l) Training and experience of the officer.

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

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(o) The risk and reasonably foreseeable consequences of escape.

(p) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(r) Prior contacts with the subject or awareness of any propensity for violence.

(s) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

(a) 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 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.

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

Officers of this department are not authorized to use a choke hold or carotid restraint.

- A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).
- A carotid restraint means a vascular neck restraint or similar restraint, hold, or other defensive tactic 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 (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 impair an individual’s breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

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

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

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

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.

(b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 DESTRUCTION OF ANIMALS

Refer to Policy 312 Firearms regarding the use of deadly force on animals.

300.4.3 DISPLAYING OF FIREARMS

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

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(a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a conducted energy device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

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300.6 MEDICAL CONSIDERATIONS

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

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

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

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

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

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1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force, including video recordings, by any personnel within his/her command to ensure compliance with this policy.

300.8 TRAINING

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

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

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

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.

(b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

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

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300.9 USE OF FORCE COMPLAINTS

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

300.10 ADMINISTRATIVE REVIEWS

All reported applications of force shall be documented and reported to the Chief of Police via the Use of Force Notification form. The Chief shall determine if the use of force will result in an internal investigation, result in a direct action, or does not require further action.

At least annually, the Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, or policy modifications. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The date and time of incidents.

(b) The type of encounters resulting in use of force.

(c) Trends and patterns related to race, age, and gender of the subjects involved.

(d) Trends or patterns resulting in injury to any person, including employees.

(e) The impact of finds on policies, practices, equipment, and training.

At least annually, the Operations Division Commander, or designee, should conduct a review of all assaults to sworn Department members. The review will examine trends or patterns, with recommendations to ensure officer safety, suggest policy revisions, and address training issues. Additional information in the review may include time of day, type of initial call, presence of multiple officers, or prior history of the arrestee(s).

300.10.1 ADMINISTRATIVE LEAVE PENDING REVIEW

In the event the application of force or other employee actions(s) result in serious bodily injury or death, the employee(s) directly involved shall be placed on paid administrative leave for a reasonable period of time depending on circumstances. The Chief or his/her designee may require the involved employee(s) to remain on paid administrative leave during the administrative review of the incident.

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

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300.13 PUBLIC RECORDS REQUESTS

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

300.14 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.10, 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.6, 4.1.7, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3.3, 22.1.2. 26.3.7, 41.1.5

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Incident Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the East Bay Regional Park District Police Department to review certain member involved triggered incidents requiring scrutiny as listed:

(a) Any use of deadly force

(b) Use of force resulting in injury or as deemed necessary by the Chief of Police

(c) Accidental or intentional discharge of a firearm or CED whether the member is on or off duty (excluding range training, recreational use, or use authorized by a supervisor to dispatch a gravely injured animal)

(d) Use of force with a lethal weapon or less lethal weapon

(e) Weaponless physical force as described in Policy section 300.5.1

(f) Vehicle pursuits

(g) Vehicle accidents involving District vehicles as described in the Traffic Collision Reporting Policy

(h) Any unusual circumstance incident deemed necessary by the Chief of Police

302.2 POLICY

The purpose of this policy is to establish a process to review incidents involving on duty, and in some cases, off duty, personnel by a Command Staff.

The East Bay Regional Park District Police Department will objectively evaluate these incidents to ensure that the members' actions were consistent with sound practices, training, policy and procedural guidelines.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW PROCESS

Command Staff will review the circumstances surrounding each triggered incident. It will be the responsibility of the supervisor of the involved member(s) to notify the Operations Division Commander via the chain of command of any incidents requiring review.

The Operations Secretary will ensure that all relevant reports, documents, and recordings are available for consideration and review by the board.

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302.4.1 RESPONSIBILITIES OF COMMAND STAFF

The Chief of Police will determine whether the review should delayed until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. Command Staff should be provided all relevant available material from these proceedings for its consideration.

Command Staff is empowered to conduct a review into the complete circumstances of an incident.

The review shall be based upon those facts which were reasonably believed or known by the member at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the member at the time shall neither justify nor call into question a member's decision regarding their action.

Based on the information available at the conclusion of each incident reviewed, each member within the chain of command shall make a finding and such finding will be limited to the following:

(a) Actions were within department policy and procedures.

(b) Actions were potentially in violation of department policy and procedures. The Chief of Policeshall review the findings and determine what action (if any) need be taken. Actions found to be potentially in violation of department policy and procedures will be handled according to the Administrative Investigation section of the Personnel Complaints policy.

The chain of command may also recommend policy and procedure reviews, as may be appropriate, which, following approval of the Chief of Police, should then be forwarded to the Professional Standards Unit.

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

302.5 TRAINING PANEL

The Training Panel will review incidents at the direction of the Chief of Police.

302.5.1 COMPOSITION OF THE TRAINING PANEL

The Training Panel will be composed of the Support Services Lieutenant, the Training Sergeant, and the Professional Standards Sergeant. A subject matter expert may be invited to share information related to best practices and departmental training. The Support Services Lieutenant will convene the panel as needed. The involved member will be notified of the meeting of the Training Panel and may be asked to appear voluntarily.

302.5.2 RESPONSIBILITIES OF THE TRAINING PANEL

The Training Panel will review each incident to determine if any of the following should occur:

(a) Departmental training recommended with referral to the Training Committee

(b) Additional individual member training recommended

(c) No further action necessary

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A finding will represent the majority vote of the panel. After the panel has concluded, the Support Service Lieutenant will submit recommendations of the panel to the Chief of Police via the chain of command.

302.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 4.2.2, 4.2.3

Effective: January 2004

Combined Sections 302, 315, and 503: August 3, 2011

Revisions: May 23, 2006; July 1, 2008; November 1, 2008, February 3, 2011; August 3, 2011; August 2012; September 17, 2012; February 12, 2013; July 27, 2015; October 29, 2015; December 5, 2017; March 27, 2019

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

The East Bay Regional Park District 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.

306.3 USE OF RESTRAINTS

Only members who have successfully completed East Bay Regional Park District 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.

306.3.1 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.

306.3.2 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).

306.3.3 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.

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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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.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

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

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

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

306.8 REQUIRED DOCUMENTATION

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

306.9 TRAINING

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

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

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

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306.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 4.1.5, 70.2.1

Effective: January 2004

Revisions: March 2005; May 23, 2006; July 1, 2008; April 1, 2009; May 6, 2009; August 3, 2011; June 20, 2012; February 12, 2013; August 21, 2013; December 26, 2019; January 8, 2020

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Control Devices and Techniques

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 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.

308.4 RESPONSIBILITIES

308.4.1 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

308.4.2 FIREARMS INSTRUCTOR OR RECRUITMENT AND TRAINING SERGEANT RESPONSIBILITIES

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

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

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

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

308.5 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, knees 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 department authorized baton in its authorized holder. 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.

308.5.1 TREATMENT FOR BATON USE
Persons who have been struck by or otherwise affected by the baton shall be examined by appropriate medical personnel.

308.6 TEAR GAS GUIDELINES

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

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

308.7 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.

308.7.1 OC SPRAY
Uniformed personnel shall carry department authorized OC spray. The OC spray shall be carried in its authorized holster on the equipment belt or thigh holster.

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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. Air Support Unit personnel, assigned to flight operations, are exempted for this mandate.

308.7.2 PEPPER PROJECTILE SYSTEMS

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

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

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas and shall be examined by appropriate medical personnel.

308.8 POST-APPLICATION NOTICE

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

308.9 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.

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308.9.1 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 assigned to traditional uniformed patrol duties shall be required to equip their patrol vehicle with a less lethal 40mm launcher and the appropriate number of kinetic energy projectiles. Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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

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

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

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

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

308.9.2 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. 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

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

308.9.3 SAFETY PROCEDURES
40mm launchers specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers shall inspect the 40mm launcher and projectiles at the beginning of each shift to ensure that the 40mm launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the 40mm launcher will be properly and securely stored in the vehicle. When deploying the kinetic energy projectile 40mm launcher, the officer will ensure that department approved kinetic energy projectile is being loaded.

308.9.4 TREATMENT FOR KINETIC ENERGY PROJECTILE IMPACT
Persons who have been struck by or otherwise affected by the 40 mm kinetic energy projectile shall be examined by appropriate medical personnel.

308.10 TRAINING FOR CONTROL DEVICES

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

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

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

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

308.11 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.

308.12 APPLICABLE STANDARDS AND DATES

CALEA Standards: 4.1.4, 4.1.5, 4.2.1, 4.3.1, 4.3.2

Effective: January 2004

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Conducted Energy Device

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

The Conducted Energy Device (CED) is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING CEDS

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

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's inventory.

The authorized department-issued CED is the Taser Model X26P or X26e. Officers shall only use the CED and cartridges that have been issued by the Department. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CED in the driver's compartment of their vehicle.

Members carrying the CED should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the CED in a weak-side holster on the side opposite the duty weapon (Penal Code § 13660).

(a) All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the CED.

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

(d) Officers should not hold both a firearm and the CED at the same time.

(e) At the end of each shift, officers shall remove all cartridges from the CED device and holsters.

(f) All cartridges will be detached from the CED while it is stored during off duty hours.

(g) Spark tests shall be performed with cartridges removed.

309.4 VERBAL 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:

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(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.

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

309.5 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 approach the subject within the operational range of the device. Although the CED is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

309.5.1 APPLICATION OF THE CED

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

(a) The subject is violently resisting.

(b) The subject has demonstrated, by words or actions, an intent to forcibly resist and reasonably appears to present an imminent threat of harm to themselves or others.

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

309.5.2 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 risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

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

Because the application of the CED in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

309.5.3 TARGETING CONSIDERATIONS

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

309.5.4 MULTIPLE APPLICATIONS OF THE CED

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

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

(a) Whether the probes are making proper contact.

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

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

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

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

309.5.6 DANGEROUS ANIMALS

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

309.5.7 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.

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309.6 DOCUMENTATION

Officers shall document all CED discharges and unintentional discharges in the related arrest/crime report and the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

309.6.1 CED FORM

Items that shall be included in the CED report form are:

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

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

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

(d) The number of 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 (probe or drive-stun).

(g) Location of any probe impact.

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

(i) Description of where missed probes went.

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

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The designated CED Instructor should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The designated CED Instructor should also conduct audits of data downloads and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

309.6.2 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

309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CED probes from a person's body. Used CED

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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 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 (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If a 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.

309.8 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 an activation of the CED. The device's onboard memory should be downloaded through the data port by an CED Instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

309.9 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 assignment for a period of six months or more shall be recertified by a department approved 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 skill may be required at any time if deemed

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appropriate by the Recruitment and Training Sergeant. All training and proficiency for CEDs will be documented in the officer's training file.

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

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

The Recruitment and Training Sergeant should ensure that all training includes:

(a) A review of this policy.

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

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

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

(f) De-escalation techniques.

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

(h) Appropriate beginning of shift functions test for the CED.

309.10 THIS SECTION INTENTIONALLY BLANK

309.11 APPLICABLE STANDARDS AND DATES

CALEA Standards: 4.1.4, 4.1.5, 4.2.1, 4.3.1, 4.3.2, 4.3.3, 4.3.4

Effective: May 23, 2006

Revisions: February 12, 2007; July 1, 2008; November 1, 2008; November 23, 2009; February 18, 2010; July 22, 2010, February 3, 2011; August 3, 2011; June 20, 2012; February 12, 2013; July 27, 2015; October 29, 2015; July 25, 2016; March 27, 2019; October 22, 2019; July 10, 2023;August 16, 2023

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Officer-Involved Shootings and Deaths

310.1 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.

310.2 POLICY

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

310.3 TYPES OF INVESTIGATIONS

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

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

310.4 CONTROL OF INVESTIGATIONS

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

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

310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

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

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

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

310.5 INVESTIGATION PROCESS

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

310.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved East Bay Regional Park District Police Department 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.

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

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

310.5.3 NOTIFICATIONS
The following notifications shall be made as soon as practicable:

- Chief of Police
- Investigation Unit
- Appropriate County per countywide OIS protocol
- Outside agency investigator (if appropriate)

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- Peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

310.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved East Bay Regional Park District Police Department 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 EBRPD 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 EBRPD 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 EBRPD officer should be given an administrative order not to discuss the incident with other involved officers or EBRPD 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.

310.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

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(a) Involved East Bay Regional Park District Police Department officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

(b) Requests from involved non-EBRPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).

(d) A licensed mental health professional shall be provided by the Department to each involved EBRPD officer. A licensed mental health professional may also be provided to any other affected EBRPD members, upon request.

(a) Interviews with a licensed mental health professional will be considered privileged.

(b) An interview or session with a licensed mental health professional may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed mental health professional prior to providing a formal interview or report.

(c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

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

310.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander 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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310.6 CRIMINAL INVESTIGATION

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

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

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

(a) East Bay Regional Park District Police Department supervisors and Office of the Chief personnel should not participate directly in any voluntary interview of EBRPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. 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.

310.6.1 REPORTS BY INVOLVED EBRPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved East Bay Regional Park District Police Department 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 EBRPD 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 EBRPD 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.

310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

310.6.3 INVESTIGATIVE PERSONNEL

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

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

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310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of EBRPD PD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Office of the Chief 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 Office of the Chief 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.

310.8 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, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

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 District Counsel's Office, as appropriate.

310.9 CIVIL LIABILITY RESPONSE

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

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

310.10 DEBRIEFING

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

310.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn personnel). Family or other support personnel may attend with the concurrence of those

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involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Office of the Chief personnel.

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

310.11 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 Unit and Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved East Bay Regional Park District Police Department officer to visits by the media (Government Code § 3303(e)). No involved EBRPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.12 REPORTING

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

310.13 APPLICABLE STANDARDS AND DATES

CALEA Standards: 4.1.5, 4.2.3, 22.1.1, 22.1.2, 22.1.4, 74.1.1

Effective: January 2004

Revised: May 23, 2006; July 1, 2008; April 1, 2009; November 23, 2009; July 22, 2010; August 3, 2011; September 17, 2012; July 27, 2015; March 31, 2020; June 28,2022

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Firearms

312.1 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.

312.2 POLICY

The East Bay Regional Park District 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.

312.3 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.

312.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 17 9mm. The following additional handguns are approved for on-duty patrol use:

MAKE	MODEL	CALIBER
Glock	17,21,22,34,41,48	9mm, .40 S&W, .45ACP
Smith & Wesson	M&P 40	.40 S&W
Springfield Armory	XD	9mm, .40 S&W, .45ACP

The following handguns are approved for members assigned to Administrative or non-patrol Specialty positions, the Investigations Unit, or those attending administrative special events.

MAKE	MODEL	CALIBER

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Glock	17, 19, 21, 22, 26, 27, 30, 34, 41, 43, 45, 48	9mm,.40 S&W,.45ACP
Sig Sauer	P226, P365	9mm,.357Sig,.40 S&W
Smith & Wesson	M&P Series	9mm,.40 S&W
Springfield Armory	XD	9mm,.40 S&W,.45ACP

Officers who desire to carry a firearm not listed shall first receive written approval from the Rangemaster and Chief of Police.

312.3.2 SHOTGUNS

The following shotguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Benelli	Super 90	12g
Remington	870	12g

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

312.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15.The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
BCM	M4	.223/5.56
Bushmaster	XM15	.223/5.56
Colt	M16, M4	.223/5.56
JP	JP15, SP15	.223/5.56
LWRC	M6	.223/5.56
Rock River Arms	AR15	.223/5.56
Sig Sauer	M400	.223/5.56

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.

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(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, if equipped.

312.3.4 40MM LAUNCHER

The authorized department-issued 40mm launcher is the Defense Technology 40LMTS.

When deploying the 40mm launcher and authorized munition for use, the officer deploying the less lethal launcher should have one or more additional officers present to provide lethal cover and assist with the arrest procedures in accordance with departmental training.

When not deployed, the 40mm launcher shall be properly secured consistent with department training in its carrying case out-of-view in the trunk or cargo area of the vehicle, the action closed on an empty chamber, the hammer stored in a forward position (not cocked in a single action), with ammunition stored in the stock carrier.

312.3.5 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms or approved in writing by the Rangemaster and the Chief of Police.

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

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

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

312.3.6 AUTHORIZED SECONDARY HANDGUN

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

(a) The handgun shall be in good working order and on the department list of approved firearms, or approved in writing by the Rangemaster and the Chief of Police.

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

1. Single action firearms must be equipped with an external safety.

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

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

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

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

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

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

The following handguns are approved as authorized secondary handguns:

MAKE	MODEL	CALIBER
Glock	19,26,27,30,42,43,48	9mm,.380,.40 S&W,.45ACP
Ruger	LCP, LC9	9mm,.380
Sig Sauer	P226,P365	9mm,.357Sig,.40 S&W
Smith & Wesson	M&P Shield, Bodyguard 380	9mm,.380,.40 S&W
Smith & Wesson	M&P 40C	.40 S&W

Officers who desire to carry a firearm not listed shall first receive written approval from the Rangemaster and Chief of Police.

312.3.7 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.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

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

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

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

(e) The member will successfully qualify with the firearm prior to it being carried.

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

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their badges and East Bay Regional Park District Police Department identification cards under circumstances requiring possession of such identification.

312.3.8 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's 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.

312.4 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.

312.4.1 REPAIRS OR MODIFICATIONS

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

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

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

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312.4.2 HOLSTERS
Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.Exceptions may be authorized by a Division Commander or above.

312.4.3 TACTICAL LIGHTS
Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster.

312.4.4 OPTICS OR LASER SIGHTS
Optics, laser sights, or other accessories may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. If a firearm is equipped with an optical sight it shall be equipped with back-up front and rear iron sights. Once the approved optic or laser sight has 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 the firearm on- or off-duty.

312.5 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 clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns, 40mm launchers, and 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 from outside agencies are responsible for ensuring firearms are not brought into the jail section.

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

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed

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from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns, 40mm launchers, and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun, 40mm launcher, and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Firearms may be safely stored in lockers or another approved location at the end of the shift.Handguns may remain loaded if they are secured in an appropriate holster. Shotguns, 40mm launchers, and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

312.5.2 STORAGE AT HOME

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

312.5.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

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

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

312.5.4 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.

312.6 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 twice a year. Training and qualifications must be on an approved range course.

The range staff will provide, as part of the range program and prior to being authorized to carry a weapon, instruction in the areas of:

- Use of Force
- Use of Lethal Force
- Warning Shots
- Less Lethal Weapons
- Rendering Medical Aid after Use of Force

Each member shall also demonstrate knowledge and understanding of the associated policies.

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

312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

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

(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.

312.7 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.

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(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.

312.7.1 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.

312.7.2 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).

312.7.3 WARNING AND OTHER SHOTS

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

312.8 RANGEMASTER DUTIES

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

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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 or Firearms Instructor.

The Rangemaster or Firearms Instructor has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

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

312.8.1 FIREARMS RANGE

The Department utilizes firearms ranges located throughout the Bay Area open to law enforcement use. Range training is held in order to improve and enhance public and officer safety. Range training shall include marksmanship, weapon manipulation, qualifications, low light operation, mindset, officer safety, use of force, less lethal application, communication, stress inoculation, weapon transitions, and active shooter.

Weapons used during departmental range training may consist of departmental issued and/or authorized platforms: pistol, rifle, shotgun, and 40 mm launcher. Targets used at department ranges will be approved by the Rangemaster.

Range restrictions depend on the various rules of ranges used and will be determined by the range owner. All officers attending department training shall abide by the four basic firearms safety rules:

(a) Consider all guns to be loaded unless positively confirmed otherwise.

(b) Never let the muzzle cover anything you are not prepared to shoot.

(c) Keep finger off trigger until sights are on the target and you have made a conscious decision to shoot.

(d) Be sure of your target (positive I.D.) and what is beyond it.

Firearms Safety rules shall be reviewed at all department firearms training by range staff. Staff shall also identify the location of the trauma kits with all attendees. Most types of new factory ammunition for the above weapon platforms are approved for range use. Caution should be used when using metal targets. Instructors should ensure proper safety measures have been addressed (i.e. distance, safety glasses for students, target/shooter angle). Minimum range safety equipment shall include eye protection, ear protection, trauma/first aid kit, department radio, and cell phone for communication with 911.

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312.8.2 RANGE STAFF DUTIES

Members of the Range Staff will be assigned to assist the Rangemaster in conducting the established training program and will report directly to the Rangemaster while performing range responsibilities. Firearms Instructors, under the direction of the Rangemaster, shall have authority to enforce rules and policies established by the Chief of Police.

If the Rangemaster is not present, the senior Firearms Instructor will serve as the range supervisor and will be responsible to ensure range safety protocols are being followed.

All firearms instructors are required to attend basic firearms instructor school and other required courses as listed in the Master Training Plan. Firearm Instructors may also serve as Department armorers.

312.8.3 FIREARMS INSTRUCTORS

Personnel appointed to the position of Rangemaster or Firearms Instructor shall not carry out duties in these capacities until satisfactorily completing a POST approved firearms instructor course for the particular weapons instructed.

312.8.4 FIREARMS RECORDS

The Rangemaster shall maintain complete records of on and off duty weapons authorizations, inspections, and repairs.

312.9 FLYING WHILE ARMED

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

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

(b) Officers must carry their East Bay Regional Park District 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 East Bay Regional Park District Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the East Bay Regional Park District 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

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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.

312.10 CARRYING FIREARMS OUT OF STATE

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

(a) The officer shall carry his/her East Bay Regional Park District Police Department identification card whenever carrying such firearm.

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

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

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

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

312.11 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.2, 4.1.3, 4.1.4, 4.1.5, 4.3.1, 4.3.2, 4.3.4, 4.3.5

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Effective: January 2004

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Operational Readiness and Inspection

313.1 PURPOSE AND SCOPE

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

313.2 POLICE FACILITY AND SYSTEMS

The Support Services Lieutenant is ultimately responsible to assure operational readiness is maintained for police facility and its systems.

313.2.1 FACILITY EMERGENCY POWER GENERATOR

The Communications Manager shall ensure that an emergency generator test and readiness procedure is in place and followed. Testing shall be conducted at least once a quarter.

313.2.2 COMMUNICATIONS CENTER

The Communications Manager shall ensure the following systems remain operable:

(a) Radio Recording Systems

(b) Facility Video Systems

(c) Emergency Callout lists/process

(d) Emergency Operations Center Activation (Callout/Notification)

(e) Radio Interoperability Systems Mutual Aid Request Systems (Law and Fire)

(f) Reverse 911 System

313.2.3 EMERGENCY OPERATIONS CENTER

The Support Services Lieutenant is responsible for developing procedures to ensure the readiness of the Emergency Operations Center (EOC). This procedure will include lists of available equipment to be on hand, inventory and serviceability procedures, and overall standup tests.

313.3 RESPONSIBILITIES

Division Commanders are responsible for the operational readiness of all assets under their command. Beyond this policy, Division Commanders will ensure that procedures are developed, maintained, and adhered to on all systems, facilities and assets under their control. In some instances an asset utilized by Operations is maintained by Training through the Support Services Division. Operational readiness in general means having the system, facility or asset in a condition to be immediately accessed and deployed for the purpose it is intended. Every system should have one or more operational employee(s) responsible for its readiness. Considerations for readiness are:

- Located where it can be accessed
- In a tested and functioning condition
- Identified frequency of testing and maintenance

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- Adequate stock or inventory on hand
- Stock replaced at end of life limits
- Users identified and adequately trained to access and operate
- Procedures to access and deploy are clearly published
- Procedures established to address failure of asset
- System for reporting lack of readiness

313.4 OPERATIONS DIVISION ASSETS

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

(a) Vehicles

1. Marked Patrol Vehicles
2. Unmarked Patrol Vehicles
3. Unmarked Investigation Vehicles
4. Patrol Supervisor Vehicle
5. CSO Vehicles
6. Canine Vehicles
7. Patrol Bicycles
8. Police Motorcycles
9. Off-road Police Motorcycles
10. All Terrain Vehicle (ATV)
11. Crime Scene Trailer
12. Equestrian Trailers
13. All-Purpose Trailers
14. VTSP Trailer
15. Patrol Boat
16. Helicopter

(b) Equipment

1. Tasers
2. Munitions (Standard and Less Lethal)
3. Firearms
4. Portable Alcohol Screening (PAS) Devices

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5. Specialized Traffic Equipment
6. Specialized Patrol Equipment
7. Specialized Investigations Equipment
8. Specialized Field CSI Equipment and Supplies
9. Document and Form Supply
10. Evidence Packaging Room Supplies
11. Computers and Mobile Data Terminals

313.5 SUPPORT SERVICES DIVISION ASSETS

At minimum, Support Services Division maintains the following assets in a ready state:

(a) Vehicles

1. Unmarked Administrative Staff Vehicles

(b) Equipment

1. Portable Radios
2. Audio Visual Observation Equipment
3. Patrol Officer Issued equipment Replacement Inventory
4. Patrol Vehicle Supply Inventory
5. Patrol Supplies
6. Office Supplies

313.6 PATROL TEAM AND UNIT LINE INSPECTIONS

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

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

313.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 17.5.1, 17.5.2

Effective: November 12, 2008

Revised: March 30, 2009; February 18, 2010; February 3, 2011; September 17, 2012; October 29, 2015; January 31, 2017

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Vehicle Pursuits

314.1 PURPOSE AND SCOPE

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

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

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

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

314.1.1 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.

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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.

314.2 POLICY

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

314.3 OFFICER RESPONSIBILITIES

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

314.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Vehicle pursuits may only be initiated when there is reasonable suspicion to believe the suspect committed a violent forcible crime and/or a crime involving the use of a firearm, or probable cause that the suspect is in possession of a firearm.

A monitoring commander may authorize a pursuit for a crime not involving a violent forcible crime or firearms, under exigent circumstances, when the fleeing suspect's actions pose an immediate and serious threat to officers and the public.

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. Pursuits shall not be initiated for property crime or infractions.

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

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

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

(e) 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.

(f) 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.

(g) Weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.

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

(i) 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.

(j) Suspect and officer vehicle speeds.

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

(l) Availability of other resources such as air support or deactivation technology.

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

314.3.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

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

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(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.

314.3.3 DEFINITIONS

Definitions related to this policy include:

Violent forcible crime: the commission or attempted commission of:

- Murder
- Manslaughter
- Mayhem
- Kidnapping
- Robbery
- Carjacking
- Arson to an inhabited structure, inhabited property or that causes great bodily injury (GBI)
- Explode or ignite a destructive device or any explosive causing great bodily injury or death
- Use or possession of a weapon of mass destruction
- Use of a firearm in the commission of a felony
- Assault with a deadly weapon/firearm
- Assault with a deadly weapon, other than a firearm with serious bodily injury (SBI)/ GBI (the use of a motor vehicle to solely flee a scene or enforcement action does not meet the criteria for this part unless there is a clearly articulable intentional act by the driver to use the vehicle as a weapon)

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- Aggravated battery with SBI/GBI, and any of the following sexual assaults committed against a person's will by means of force, violence, duress, menace, fear of immediate and unlawful bodily injury on the person or another, or in concert:
  - Rape;
  - Sodomy
  - Oral copulation;
  - Lewd act on a child under the age of 14; or
  - Sexual penetration.

314.3.4 SPEED LIMITS

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

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

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

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

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

314.4 PURSUIT UNITS

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

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

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

314.4.1 MOTORCYCLE OFFICERS

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

314.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

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314.4.3 PRIMARY UNIT RESPONSIBILITIES

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

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

(a) The location, direction of travel, and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including license plate number, if known.

(c) The reason for the pursuit.

(d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.

(e) The suspected number of occupants and identity or description.

(f) The weather, road, and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

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

314.4.4 SECONDARY UNIT RESPONSIBILITIES

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

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

(b) Remaining a safe distance behind the primary unit unless directed to assume the role of 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.

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314.4.5 PURSUIT DRIVING

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

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

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

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

314.4.6 PURSUIT TRAILING

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

314.4.7 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.

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314.4.8 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.

314.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

(a) Immediately 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 in order to ensure that the pursuit is conducted within established department guidelines.

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

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

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

(e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.

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

(h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.

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

(j) Controlling and managing East Bay Regional Park District 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.

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314.5.1 WATCH COMMANDER RESPONSIBILITIES

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

The Watch Commander shall review all pertinent reports and video files to ensure compliance with this policy and to address any training issues and then forward to the Division Commander.

314.6 THE COMMUNICATIONS CENTER

If the pursuit is confined within the District 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, use of an interoperable channel may be requested through the communications center. The interoperable channel may be patched to the primary channel for allied agencies to utilize without requiring the unit in pursuit to switch channels.

314.6.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

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

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved units and personnel.

(c) Notify and coordinate with other involved or affected agencies as practiable.

(d) Broadcasting pursuit updates as well as other pertinent information as necessary.

(e) Ensuring that a field supervisor is notified of the pursuit.

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

(g) Assigning an incident number and logging all pursuit activities.

314.6.2 LOSS OF PURSUED VEHICLE

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

314.7 INTER-JURISDICTIONAL CONSIDERATIONS

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

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314.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the East Bay Regional Park District 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.

314.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of East Bay Regional Park District 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 District 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.

314.8 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

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

314.8.1 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).

314.8.2 INTERVENTION STANDARDS

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

(a) Blocking should only be used after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(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.
4. It reasonably appears the technique will terminate or prevent the pursuit.

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5. Roadblocks may be used only under circumstances when deadly force would be authorized.
6. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

314.8.3 CAPTURE OF SUSPECTS

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

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

314.9 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, a field supervisor shall promptly complete a memorandum, briefly summarizing the pursuit, and submit it to the Chief of Police or the authorized designee. This should minimally contain the following information:

1. Date and time of pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved units and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
7. Any use of force that occurred during the vehicle pursuit.
   (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.

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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.

314.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

(a) This policy.

(b) The importance of vehicle safety and protecting the public.

(c) The need to balance the known offense and the need for immediate capture against the risks to officers and others.

314.9.2 REGULAR AND PERIODIC PURSUIT TRAINING

The Recruitment and Training Sergeant shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, 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 (Vehicle Code § 17004.7(d)).

314.9.3 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.

314.9.4 ANNUAL REVIEW

Annually, the Operations Division Commander will conduct a documented analysis of all pursuits carried out by members of this Department and forward the report to the Chief of Police for approval. The analysis will look for patterns and trends that indicate training needs, and review pursuit policies and reporting procedures.

314.10 APPLICATION OF VEHICLE PURSUIT POLICY

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

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314.11 APPLICABLE STANDARDS AND DATES

CALEA Standards: 4.2.1, 41.2.2, 41.2.3, 81.2.4

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; May 1, 2009; July 22, 2010; February 3, 2011; August 3, 2011; February 1, 2012; September 17, 2012; February 12, 2013; February 27, 2014; July 27, 2015; July 25, 2016; November 20, 2018; January 7, 2021; June 21, 2021; July 10, 2023

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Officer Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

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

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code (Vehicle Code § 21056).

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

316.2.1 CALL PRIORITIZATION AND DEFINITIONS

The following definitions apply to this policy:

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

Although officers' response allows them to supersede the rules of the road, officers are still responsible for their actions and those actions must be consistent with the emergency.
In Code 3 response, officers are legally required to use red overhead lights, but siren is only as necessary and/or prudent. (Vehicle Code § 21055).

Urgent Calls - Code 2 is "urgent" or "go direct", but without activating emergency lights or siren. Officers are legally required to follow all rules of road. (Vehicle Code § 21056).
Non-Emergency Calls - Code 1 is "non-urgent"; officers respond as reasonably practicable.

316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify the Communications Center.

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

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

316.3.1 NUMBER OF UNITS ASSIGNED
Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall notify the Communications Center at the earliest practical opportunity. When making notification of response, officers are reminded that any use of the radio while reserved for priority traffic should be limited. Generally, 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 or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

316.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

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

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

316.6 COMMUNICATIONS RESPONSIBILITIES

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

(a) Attempt to assign the closest available unit to the location requiring assistance

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(b) Immediately notify the Watch Commander

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

316.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

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

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.8 FAILURE OF EMERGENCY EQUIPMENT

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

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316.9 RESPONSE AND COMMUNICATION ON ROUTINE CALLS

Officers who are dispatched to calls for service will respond without delay, and will provide dispatch with their estimated time to arrive (in minutes).

316.9.1 COMMUNICATION OF ENFORCEMENT ACTION

In the absence of a compelling exception such as "Code 33", an extremely high volume of radio traffic, or when immediate action is needed for safety reasons, prior to initiating a contact, officers shall inform Dispatch of their intent to initiate an enforcement contact using appropriate radio codes and terminology. Officers shall communicate to Dispatch their location (including street address, if appropriate) with sufficient specificity to enable assisting officers to independently recognize the location, and the vehicles(s) or person(s) as likely subject(s)_ of the officer's attention.

For inspections, such as fishing license checks, the officer shall only be required too notify dispatch of contacts where enforcement action is needed. Otherwise for inspections, only the type of inspection (e.g. "fish and game checks") and a general description of the proposed area to be inspected is required.

316.9.2 COMMUNICATION OF LOCATION DURING TOUR OF DUTY

Officers shall inform Dispatch when they leave one park and travel to another park. The information provided by the officer to Dispatch shall include their radio identifier, the location they are leaving, and their intended destination (e.g. "2L10, 10-98 Tilden, 10-49 Miller-Knox"). Officers shall also inform Dispatch when they reach the destination, or if they change their destination while en route. Officer shall communicate over the radio unless there is a specific reason (e.g. security or safety) to communicate by telephone. Supervisors shall be informed by Dispatch whenever an alternative communication method is used.

316.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.2.1, 61.2.2, 81.2.6

Effective: January 2004

Revised: May 23, 2006; July 1, 2008; November 1, 2008; March 30, 2009; November 23, 2009; February 18, 2010; July 27, 2015; June 28, 2022

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Canines

318.1 PURPOSE AND SCOPE

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

318.2 POLICY

It is the policy of the East Bay Regional Park District Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate public safety objectives.

318.3 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.

318.4 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.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

318.5 REQUESTS FOR CANINE TEAMS

The East Bay Regional Park District Police Department only uses trained service canines for tracking, trailing and detection.

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318.5.1 OUTSIDE AGENCY REQUESTS FOR DISTRICT CANINE ASSISTANCE

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

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(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.

318.5.2 DISTRICT REQUESTS FOR OUTSIDE ASSISTANCE FOR CANINE APPREHENSION

Any internal request for the use of an allied agency's canine(s) for apprehension assistance shall have the approval of the Chief of Police through the On-Call Commander.

Any internal request for the use of an allied agency's canine(s) for tracking or detection shall be approved by the On-Call Commander.

318.5.3 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.

318.6 DEPLOYMENT DOCUMENTATION AND REPORTING

318.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for persons, property or contraband, 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 in relation to the need to locate the person(s) or item(s) to be located.

(b) Whether the person may pose danger to canine team if located.

(c) The potential for injury to person(s) if not located.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to maximize effectiveness.

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

As the situation permits, supervisors shall make every effort to be on scene prior to the deployment of a canine. A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

318.6.2 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a locate or causes injury, 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 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 a report..

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until 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 (Health and Safety Code § 121685).

318.7 DEPLOYMENT GUIDELINES

Properly trained canines are primarily 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 tracking operation, the following guidelines apply:

(a) Applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

318.7.1 ARTICLE DETECTION

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

318.7.2 NARCOTICS DETECTION

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

318.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot high fence with locking gates).

(c) A garage that can be secured and accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Alameda/Contra Costa County limits.

(e) Agreeing to be assigned to the position for five years of active patrol. Service after five years will be at the direction of the Operations Captain. Should the canine be unable to complete five years of active service, the handler will have the ability to reapply.

318.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

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(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 East Bay Regional Park District 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 District at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(k) Whenever a canine handler is off-duty for 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.

318.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

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

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

318.10 HANDLER COMPENSATION

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

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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).

318.10.1 EQUIPMENT
All required equipment shall be provided by the District. A list of required equipment is maintained by the Recruitment and Training Unit.

318.11 CANINE INJURY AND MEDICAL CARE

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

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.

318.11.1 NON-EMERGENCY MEDICAL CARE
Non-emergency, long term and/or recovery medical care will be coordinated through the canine coordinator.This may include boarding at a care or medical facility for supervision during recovery from surgery, injury or illness.Consideration should be made for the police service dog's well-being as well as the handler's duties and responsibilities in their work assignment.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Watch Commander as soon as practical.

318.12 TRAINING

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

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

318.12.1 CONTINUED TRAINING
Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

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(a) Canine teams should receive training as defined in the current contract with the East Bay Regional Park District 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.

318.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

318.12.4 TRAINING AIDS

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

318.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

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

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

318.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

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(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Unit or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

318.12.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

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

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

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(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).

318.13 APPLICABLE STANDARDS AND DATES

CALEA Standards: 4.1.4, 4.1.5, 41.1.4, 41.1.5, 84.1.4

Effective: May 23, 2006 (was Policy 319 effective March 2005)

Revised: February 12, 2007; July 1, 2008; March 30, 2009; July 22, 2010; February 3, 2011; August 3, 2011; August 21, 2013; July 27, 2015; July 25, 2016; January 31, 2017; September 12, 2019; December 26, 2019; January 7, 2021; June 28, 2022

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Domestic Violence

320.1 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.

320.1.1 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.

320.2 POLICY

The East Bay Regional Park District 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.

320.3 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.

320.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigative Unit 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.

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320.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 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.

320.4.3 DOCUMENTATION PROCESS OF COURT ORDER
Department members serving court orders will document the service in the appropriate report in a timely manner and submit it to their supervisor for approval. The supervisor is responsible to submitting the report and associated paperwork to the Records Center for processing and return to court.

320.5 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.

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(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).

320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

320.7 FOREIGN COURT ORDERS

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

320.8 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).

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(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.

320.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)

2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)

3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party

4. Penal Code § 646.9 (stalking)

5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

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1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

320.10 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)).

320.11 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 Supervisor to maintain and report this information as required.

320.12 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

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into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

320.13 PUBLIC ACCESS TO POLICY

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

320.14 APPLICABLE STANDARDS AND DATES

CALEA Standards: 55.1.1, 55.2.1, 55.2.2

Effective: January 2004

Revised: March 2005; May 23, 2006; July 1, 2008; November 1, 2008; November 23, 2009; February 18, 2010; July 22, 2010, February 3, 2011; August 3, 2011; February 1, 2012: February 12, 2013; February 27, 2014; January 31, 2017; June 26, 2018; March 27, 2019; October 7, 2020; December 30, 2021; June 2, 2022; July 10, 2023

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Search and Seizure

322.1 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 East Bay Regional Park District Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the East Bay Regional Park District 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.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

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

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

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322.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) A search may be undertaken of a member of the opposite sex.

(f) In all person searches the following guidelines should be followed:

1. Another officer or a supervisor should witness the search if practicable.
2. The search should be filmed using an in-car camera or personal body-mounted recorder if practicable.
3. 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.
4. The officer will use the techniques for person searches taught in department training.

322.5 APPLICABLE STANDARDS AND DATES

CALEA Standard: 1.2.4

Effective: January 2004

Revised: March 2005; July 1, 2008; November 1, 2008; March 30, 2009; August 3, 2011; July 27, 2015

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Juvenile Operations

323.1 PURPOSE AND SCOPE

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

323.2 RESPONSIBILITY OF DEPARTMENT MEMBERS

The East Bay Regional Park District Police Department recognizes the importance of preventing and combating juvenile delinquency. The department also further recognizes that traditional methods for dealing with juvenile offenders are not sufficient. To meet its commitment to provide exceptional services to the community, the department participates in preventive programs and actions designed to prevent young people from developing criminal tendencies. In addition, department members are encouraged to participate in community and school programs or events which foster positive relationships and communication with juveniles.

All employees share in the responsibility for participating in and supporting the juvenile operations function to ensure that the appropriate action is taken in all cases where juveniles come to the attention of the department. All sworn personnel will maintain a working knowledge of the California Welfare and Institutions Code concerning the handling of juveniles and familiarize themselves with the various support programs the Juvenile Court uses. Each officer assists, as applicable, in the design and implementation of programs intended to prevent and control delinquent and criminal behavior by juveniles.

323.2.1 DISPOSITIONS

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

The following should be considered when making diversion decisions:

(a) The nature of the offense

(b) The age and circumstances of the offender

(c) The offender's record

(d) The availability of community based rehabilitation programs

(e) Recommendations for diversion from complainants or victims

Agency referral of alleged juvenile offenders for formal legal proceeding should be restricted to those cases involving serious criminal conduct or repeated criminal violations. These cases may include the following delinquent acts:

(a) that if committed by an adult would constitute a felony

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(b) involving weapons

(c) involving gang-related activity

(d) involving aggravated assault and battery

(e) committed by a juvenile on probation or parole

(f) committed by a juvenile with a case pending

(g) committed by a juvenile with repeated delinquent acts within the preceding 12 months

323.3 JUVENILE SPECIALIST

The East Bay Regional Park District Police Department recognizes the importance of having employees who are specially trained regarding the Juvenile Justice System. The Investigations Unit Sergeant serves as the department's juvenile specialist and is assigned to the Operations Division.

323.4 JUVENILE PROGRAM AND POLICY DEVELOPMENT AND REVIEW

As the Juvenile Specialist, the Investigations Unit Sergeant assists in the development and implementation of delinquency prevention programs and acts as the liaison between the department and other components of the Juvenile Justice System. This relationship ensures the department's juvenile policies and procedures are consistent with other agencies within Alameda and Contra Costa Counties.

The Investigations Unit Sergeant will meet with Alameda and Contra Costa County probation departments and resource agencies to review and obtain information on relevant juvenile and related resources and programs, including referrals to potential diversion alternatives. During meetings with the probation departments and resource agencies, the Investigations Unit Sergeant should encourage and solicit review and comment of our policies and procedures as they relate to juveniles.

A written annual review and evaluation of all enforcement and prevention programs relating to juveniles shall be prepared by the Investigations Unit Sergeant and approved by the Chief of Police.

323.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.1.3, 1.2.6, 1.2.7, 44.1.1, 44.1.2, 44.1.3, 44.2.4

Effective: November 12, 2008

Revised: March 30, 2009; September 17, 2012; February 12, 2013; October 7, 2020; July 10, 2023

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Temporary Custody of Juveniles

324.1 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 East Bay Regional Park District Police Department (34 USC § 11133).

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

324.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

Safety checks - Direct, visual observation personally by a member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody. Juveniles shall not be held in secure custody at the East Bay Regional Park District Police Department facilities therefore, juveniles will be continually and directly visually monitored.

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). Juveniles shall not be held in secure custody at the East Bay Regional Park District Police Department facilities.

Examples of secure custody include:

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

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(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(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).

324.2 POLICY

The East Bay Regional Park District 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 East Bay Regional Park District Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the East Bay Regional Park District 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

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

These juveniles should not be held at the East Bay Regional Park District 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).

324.3.1 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).

324.3.2 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 themself, or any unusual behavior which may indicate the juvenile may harm themself while in either secure or non-secure custody (15 CCR 1142).

324.4 CUSTODY OF JUVENILES

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

324.4.1 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 East Bay Regional Park District Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-

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offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

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

324.4.2 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).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the East Bay Regional Park District 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).

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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).

324.5 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).

324.6 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 East Bay Regional Park District 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.

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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.

324.7 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 East Bay Regional Park District 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).

324.8 TEMPORARY CUSTODY REQUIREMENTS

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

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(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).

(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).

324.9 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 East Bay Regional Park District 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).

324.10 RELIGIOUS ACCOMMODATION

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

Subject to available resources, safety and security, the religious beliefs and needs of all juveniles in custody should be reasonably accommodated (15 CCR 1072). Requests for religious

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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.

324.11 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the East Bay Regional Park District 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 East Bay Regional Park District Police Department.

324.12 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 East Bay Regional Park District Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Division Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the District 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.

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(i) Evidence preservation.

324.12.1 FATAL INCIDENT PROTOCOL
In the event of a death of a juvenile while detained, the officer involved Fatal Incident Protocol shall be invoked.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS
No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

324.13.1 REQUIREMENTS
All Constitutional requirements shall be met during any juvenile interview or interrogation including access to counsel. The following standards shall be followed:

(a) The environment during any juvenile interview or interrogation shall not be overly coercive.

(b) The number of officers present in an interrogation should not exceed two.

(c) The demeanor of the officers should not exceed the life experience of the individual juvenile.

(d) The length of the interrogation will be as long as necessary however the officer in charge should take into consideration the juvenile's age, physical being and the seriousness of the crime when determining when the interrogation should end.

324.13.2 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.

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(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).

324.14 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 Investigative Unit supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

324.14.1 BOOKING LOCATION

All booking, fingerprinting and photographing of juveniles in custody shall be conducted at the appropriate juvenile custody facility.

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324.15 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 East Bay Regional Park District Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

324.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

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

324.17 TRAINING

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

324.18 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.3, 1.2.5, 44.2.1, 44.2.2, 44.2.3, 82.1.2

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; July 1, 2008; November 1, 2008; March 30, 2009; May 6, 2009; November 23, 2009; February 18, 2010, February 3, 2011; February 12, 2013; July 27, 2015; January 31, 2017; June 26, 2018; March 27, 2019; September 12, 2019; January 7, 2021; June 21, 2021; July 10, 2023

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Senior and Disability Victimization

326.1 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 East Bay Regional Park District Police Department members as required by law (Penal Code § 368.6).

The East Bay Regional Park District 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).

326.1.1 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

326.2 POLICY

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

326.2.1 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).

326.2.2 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)).

326.3 MANDATORY NOTIFICATION

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

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

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

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(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and

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Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigative Unit 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)).

326.3.1 NOTIFICATION PROCEDURE

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

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

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

326.4 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.

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(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Witness and suspect statements if available.

(k) Review of all portable audio/video recorders, devices, and other available 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.

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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 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)).

326.4.1 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)).

326.5 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.

326.6 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.

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(b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

(c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).

1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

(g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

326.7 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, 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.

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326.7.1 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)).

326.7.2 VERIFICATION OF PROTECTIVE ORDER

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

(a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.

(b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

(c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

326.8 INTERVIEWS

326.8.1 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.

326.8.2 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.

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326.8.3 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).

326.9 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.

326.10 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.

326.10.1 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 Investigative Unit supervisor so an interagency response can begin.

326.10.2 SUPERVISOR RESPONSIBILITIES

The Investigative Unit 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 Investigative Unit 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.

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(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.

326.11 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for:

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

(b) Retaining the original elder or dependent adult abuse report with the initial case file.

326.12 JURISDICTION

The East Bay Regional Park District 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.

326.13 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon

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unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity 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

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property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) "Isolation" means any of the following:

1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
3. False imprisonment, as defined in Section 236 of the Penal Code.
4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice. medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

(a) "Neglect" means either of the following:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
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:

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1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
3. Failure to protect from health and safety hazards.
4. Failure to prevent malnutrition or dehydration.
5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

1. Sexual battery, as defined in Section 243.4 of the Penal Code.
2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
3. Rape in concert, as described in Section 264.1 of the Penal Code.
4. Incest, as defined in Section 285 of the Penal Code.
5. Sodomy, as defined in Section 286 of the Penal Code.
6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
7. Sexual penetration, as defined in Section 289 of the Penal Code.
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:

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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.

326.14 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.

326.14.1 SPECIFIC TRAINING

Although not mandated by law for the EBRPD Police Department, the Training Sergeant should provide the following training to members:

(a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).

(b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).

1. Training should include the following:

(a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).

(b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Sergeant should 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)).

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326.15 APPLICABLE STANDARDS AND DATES

CALEA Standards: 55.2.1, 55.2.2, 82.2.4

Effective: January 2004

Revised: May 23, 2006: July 1, 2008; November 1, 2008; February 3, 2011; August 3, 2011; February 12, 2013; August 21, 2013; February 27, 2014; July 27, 2015; July 25, 2016; May 24, 2017; March 27, 2019; June 21, 2021; December 30, 2021, June 2, 2022; July 10, 2023

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Discriminatory Harassment

328.1 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.

328.2 POLICY

The East Bay Regional Park District 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.

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 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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328.3.2 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.

328.3.3 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 District or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

328.3.4 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.

328.4 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 Human Resources Manager, or the General Manager.

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

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

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

328.4.1 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 Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

328.4.2 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.

328.4.3 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 Human Resources Manager, the General Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

328.5 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.

328.5.1 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 or the Human Resources Manager (per the Personnel Administrative Manual - PAM section 4.01).

328.5.2 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 Human Resources Manager, or the General Manager.

328.5.3 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.

328.6 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:

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(a) Approved by the Chief of Police, the General Manager, or the Human Resources Manager, depending on the ranks of the involved parties.

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

328.6.1 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.

328.7 WORKING CONDITIONS

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

328.8 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.

328.8.1 STATE-REQUIRED TRAINING

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

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

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

(c) All employees shall receive refresher training every two years thereafter.

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

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328.8.2 TRAINING RECORDS

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

328.9 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).

328.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 26.1.3, 31.2.3

Effective: January 2004

Revised: May 23, 2006; July 1, 2008; March 30, 2009; February 18, 2010; February 1, 2012; September 17, 2012; July 27, 2015; May 18, 2016; December 5, 2017; June 26, 2018; September 12, 2019; October 7, 2020; June 21, 2021; July 10, 2023

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Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when East Bay Regional Park District Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

330.1.1 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).

330.2 POLICY

The East Bay Regional Park District Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

330.3 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.

330.3.1 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.

330.4 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).

330.5 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).

330.5.1 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).

330.6 PROTECTIVE CUSTODY

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

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

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

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

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

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

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

330.6.1 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.

330.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

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

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

330.7 INTERVIEWS

330.7.1 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.

330.7.2 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.

330.7.3 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).

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a

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medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigative Unit supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigative Unit supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

330.10.1 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).

330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active

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case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

330.10.3 CACI HEARING OFFICER
The Investigative Unit supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

330.10.4 CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

330.12 APPLICABLE STANDARDS AND DATES

CALEA Standards: 44.2.2, 82.1.1, 82.2.1

Effective: January 2004

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Child Abuse

Revised: July 1, 2008; November 1, 2008; November 23, 2009; February 18, 2010; July 22, 2010, February 3, 2011; August 3, 2011; February 1, 2012; September 17, 2012; February 12, 2013; July 25, 2016; January 31, 2017; December 30, 2021; July 10, 2023

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Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

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

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

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

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

332.2 POLICY

The East Bay Regional Park District 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 East Bay Regional Park District 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).

332.3 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)

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- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

332.4 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).

332.5 INITIAL INVESTIGATION

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

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

332.6.1 SUPERVISOR RESPONSIBILITIES

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

(a) Reviewing and approving missing person reports upon receipt.
   1. The reports should be promptly sent to the Records Unit.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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

332.6.2 RECORDS UNIT RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

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(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Investigative Unit.

(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).

332.7 INVESTIGATIVE UNIT FOLLOW-UP

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

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).

2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

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(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

332.8 WHEN A MISSING PERSON IS FOUND

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

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

(a) Notification is made to California DOJ through CLETS and NCIC.

(b) The missing person's school is notified if appropriate.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General's Office through CLETS and NCIC.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

332.8.1 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.

332.9 CASE CLOSURE

The Investigative Unit 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 East Bay Regional Park District or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

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(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

332.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

332.11 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.2.5, 41.2.6, 82.2.1, 82.2.4, 82.2.5

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Missing Persons

Effective: January 2004

Revised: March 2005; May 23, 2006; July 1, 2008; November 1, 2008; November 23, 2009; February 18, 2010; August 3, 2011; February 12, 2013; August 21, 2013; July 27, 2015; May 18, 2016; January 31, 2017; March 27, 2019

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Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 MEMBER RESPONSIBILITIES

Members of the East Bay Regional Park District Police Department should notify their supervisor, Watch Commander, or Investigative Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

334.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

334.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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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.

334.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

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

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

334.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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334.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

334.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide Emergency Alert System [EAS] broadcast.

(c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

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

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

334.6 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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334.6.1 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.

334.6.2 PROCEDURE FOR SILVER ALERT

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

334.7 MUTUAL AID

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

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Communications Manager elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.

(c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The East Bay Regional Park District Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

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334.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

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

334.8.1 CRITERIA

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

(a) Evacuation orders (including evacuation routes, shelter information, key information).

(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

334.8.2 PROCEDURE

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

334.9 YELLOW ALERT

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

334.9.1 CRITERIA FOR YELLOW ALERT

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

(a) A person has been killed due to a hit-and-run incident.

(b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.

(c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:

1. The complete license plate number of the suspect's vehicle.
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.

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

334.10 FEATHER ALERT

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

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

(a) The missing person is an indigenous person.

(b) The Department has utilized local and tribal resources.

(c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

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

334.11 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.2.4, 41.2.6, 82.2.1

Effective: May 23, 2006

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Victim and Witness Assistance

336.1 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.

336.2 POLICY

The East Bay Regional Park District Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the East Bay Regional Park District Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 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 East Bay Regional Park District 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.

336.3.1 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 East Bay Regional Park District 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.

336.3.2 INVESTIGATOR RESPONSIBILITY

Investigators should do the following, if applicable:

(a) Recontact the victim/witness periodically to determine whether needs are being met and possibly re-advise about contacting County Victim Witness Services.

(b) Explain to the victim/witness the procedures involved in the prosecution of the case and their role in those procedures as long as divulging such information does not jeopardize the successful prosecution of the case.

(c) When possible schedule lineups, interviews, and other required appearances at the convenience of the victim/witness and provide transportation if needed and feasible.

(d) Return property to the victim/witness taken as evidence where permitted by law or rules of evidence.

(e) Communicate with Alameda or Contra Costa County Victim Witness Services regarding victim advocates to keep them apprised of the case investigation.

(f) When an arrest is made in any case considered to be a major crime, the investigator should attempt to contact the victim and inform him/her that an arrest has been made and the custody status of the suspect. When appropriate, a supervisor may direct the notification of a victim or witness of any violent crime upon arrest or apprehension of a suspect.

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should also provide a telephone number that the victim or witness may call to report being threatened or otherwise intimidated by the suspect or the suspect’s companion or family, additional information about the case or to receive information about the status of the case.

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions, such as calling 911, to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that upon the request of the victim

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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).

336.5 VICTIM INFORMATION

The Operations Secretary shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check 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).

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336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

336.7 REVIEW OF VICTIM/WITNESS SERVICES

Every two years, the Operations Division Commander or designee shall review the department's victim/witness assistance program and contracted services, to ensure consistency and compliance with applicable laws. The results of the review and any recommended program modifications shall be forwarded to the Chief of Police.

336.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 55.1.1, 55.1.2, 55.2.1, 55.2.3, 55.2.4, 55.2.5

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; November 1, 2008; March 30, 2009; November 23, 2009; February 18, 2010; August 3, 2011; February 1, 2012; September 17, 2012; February 12, 2013; July 25, 2016; January 31, 2017; May 24, 2017; June 26, 2018; March 27, 2019; March 31, 2020; October 7, 2020; July 10, 2023

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Notification of Next-of-Kin

337.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for notifying next-of-kin in cases of death, serious injury or serious illness.

337.2 NOTIFICATIONS GENERALLY

Department members may deliver emergency messages or make death or injury/illness notifications with the approval of a supervisor when other reasonable efforts from other agencies or persons have been exhausted.

In all notifications these guidelines should be followed:

(a) Obtain as much information from the requesting party as may be necessary to answer questions that may be asked by the person being notified.

(b) Obtain the name and telephone number of the person that the party being notified should contact for additional information.

(c) In appropriate situations, officers should offer the services of a local law enforcement Chaplaincy Program.

(d) Attempt to contact a third party who may act as a support to the person being notified.

(e) Answer only those questions that can be answered with facts.

(f) The notification shall be made in person if possible.

337.2.1 INJURY AND ILLNESS NOTIFICATION

Normally, a representative of the hospital administering aid to the injured or ill person should make notification of the next-of-kin in situations involving hospitalized persons. However, notification requests from a hospital will be honored when all other practical means have failed.

337.3 LINE OF DUTY OR SERIOUS INJURY

Next-of-kin notification in the case of an EBRPD Police Department Member shall be made in accordance to the Policy 1059 Line-of-Duty Deaths or Serious Injury.

337.4 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.5, 55.2.6, 81.2.10

Effective: November 12, 2008

Revised: March 30, 2009; January 31, 2017

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Hate Crimes

338.1 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 East Bay Regional Park District 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).

338.1.1 DEFINITION AND LAWS

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

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

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

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

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

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

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

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

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

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

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

(g) Association with a person or group with one or more of these actual or perceived characteristics:

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

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

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

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

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

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

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

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

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

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

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

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship

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- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

338.2 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.

338.3 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.

338.3.1 HATE CRIMES COORDINATOR

The Investigative Unit supervisor will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

(a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

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(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.

(i) Coordinating with the Training Sergeant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Records Unit for mandated reporting to the Department of Justice.

1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).

(l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Unit Policy.

(m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Annually assessing this policy, including:

1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.

2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

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338.3.2 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.

338.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

338.4.1 INITIAL RESPONSE

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

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

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

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1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. The offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

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(n) Document any suspected multi-mission extremist crimes.

338.4.2 INVESTIGATION

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

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. Offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. Document the victim's protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

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(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
2. Provide ongoing information to victims about the status of the criminal investigation.
3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).

(o) Document any suspected multi-mission extremist crimes.

(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

338.4.3 SUPERVISION

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

(a) Provide immediate assistance to the crime victim by:

1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

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(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

338.5 TRAINING

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

338.6 APPENDIX

See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

338.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: May 23, 2006; July 1, 2008; November 1, 2008; February 18, 2010; August 3, 2011; February 1, 2012; July 25, 2016; May 24, 2017; June 26, 2018; March 31, 2020; December 30, 2021; July 10, 2023

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Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the East Bay Regional Park District 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.

340.2 POLICY

The continued employment or appointment of every member of the East Bay Regional Park District 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.

340.3 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.

340.3.1 UNLAWFUL OR CONFLICTING ORDERS

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

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

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

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

340.3.2 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.

340.4 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.

340.5 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:

340.5.1 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 District 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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340.5.2 ETHICS

(a) Using or disclosing one's status as a member of the East Bay Regional Park District Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department 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.

340.5.3 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.

340.5.4 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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340.5.5 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.

340.5.6 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 non-subpoenaed records.

340.5.7 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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340.5.8 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 work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department -related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

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 District policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by District policy, the memorandum of understanding, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

340.5.9 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 District.

(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.

340.5.10 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.

340.5.11 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.

340.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.9, 26.1.1, 26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.2.3, 82.2.2

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; November 1, 2008; March 30, 2009; July 22, 2010, February 3, 2011; September 17, 2012; February 12, 2013; February 27, 2014; July 27, 2015; January 31, 2017; October 7, 2020; December 30, 2021

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Information Technology Use

342.1 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.

342.1.1 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 East Bay Regional Park District 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.

342.2 POLICY

It is the policy of the East Bay Regional Park District 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.

342.3 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).

342.4 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.

342.4.1 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 District-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.

342.4.2 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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342.4.3 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.

342.4.4 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.

342.5 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.

342.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

342.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 11.4.4, 41.3.7, 81.3.1, 82.1.6

Effective: January 2004

Revised: May 23, 2006; November 12, 2008; March 30, 2009; February 18, 2010; July 27, 2015; May 18, 2016; September 12, 2019

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Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.1.2 EXTENDING COMPLETION OF REPORTS

Department members may request permission from their supervisor to hold an incomplete report past the end of his or her shift due to workload or other extenuating circumstances. However, the department member shall ensure that critical information, such as tow or storage forms, etc. are complete. Unless prior approval is obtained, arrest reports and reports requiring immediate followup shall be completed and approved by a Supervisor prior to the employee going off-duty.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY

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:

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(a) All arrests

(b) All felony crimes

(c) Non-Felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy or procedure. 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) Criminal Intelligence and Suspicious Incidents Procedure

  (g) Homeland Security Procedure

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any use of force against any person by a member of this department (see the Use of Force Policy)

(b) Any firearm discharge (see the Firearms Policy)

(c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(d) Any found property or found evidence

(e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(g) All protective custody detentions

(h) Suspicious incidents that may place the public or others at risk

(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should

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notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides.

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

(e) Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY DISTRICT PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a District employee. Additionally, reports shall be taken involving damage to District property or District equipment.

344.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Unit shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

344.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.5, 53.1.1, 53.2.1, 82.2.1, 82.2.2, 82.2.4, 83.2.6

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; November 12, 2008; March 30, 2009; February 18, 2010; July 22, 2010, February 3, 2011; February 1, 2012; October 30, 2014; July 27, 2015; October 29, 2015; December 5, 2017; December 26, 2019; June 21, 2021

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Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 POLICY

It is the policy of the East Bay Regional Park District 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.

346.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.4 CONFIDENTIAL OR RESTRICTED INFORMATION

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

346.4.1 EMPLOYEE INFORMATION

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

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

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

346.5 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.

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346.5.1 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 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).

346.6 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the 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.

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346.7 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

346.8 MEDIA ACCESS

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

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

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Based 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 PIO 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.

346.8.1 CRITICAL OPERATIONS

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

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346.8.2 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).

346.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.2.4, 54.1.1, 54.1.2, 54.1.3, 82.1.1

Effective: January 2004

Revised: November 12, 2008; March 30, 2009; November 23, 2009; July 22, 2010,

February 3,2011; August 3, 2011; February 1, 2012; September 17, 2012; February 27, 2014;

July 27, 2015; June 2, 2022; July 10. 2023

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Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the East Bay Regional Park District Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

348.2 POLICY

East Bay Regional Park District Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

348.3 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).

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)).

348.3.1 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 District Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the District or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the East Bay Regional Park District Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the East Bay Regional Park District 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.

348.3.2 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.

348.3.3 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.

348.4 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.

348.5 MEMBER CONTACT INFORMATION

Subpoenaed members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a subpoenaed member 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 available until released by the court or the party that issued the subpoena.

348.6 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 (Class A or B) or business attire.

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(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

348.6.1 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.

348.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

348.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; July 1, 2008; November 12, 2008; March 30, 2009; July 22, 2010; February 12, 2013; October 29, 2015

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Reserve Officers

350.1 PURPOSE AND SCOPE

The East Bay Regional Park District Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The East Bay Regional Park District Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

Upon selection, the East Bay Regional Park District Police Department will appoint the individual as a Level I Reserve Officer. Appointment as a Level I Reserve Officer does not necessarily mean that individual will be authorized to perform patrol functions without constant supervision.

350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform maintenance stipend as specified in the East Bay Regional Park District Personnel Administrative Manual.

350.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

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350.3.1 POLICY COMPLIANCE
Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

350.3.2 RESERVE OFFICER ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

350.3.3 RESERVE COORDINATOR
The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel

(b) Conducting reserve meetings

(c) Establishing and maintaining a reserve call-out roster

(d) Maintaining and ensuring performance evaluations are completed

(e) Monitoring individual reserve officer performance

(f) Monitoring overall Reserve Program

(g) Maintaining liaison with other agency Reserve Coordinators

350.4 FIELD TRAINING/ORIENTATION
Penal Code § 832.6 requires reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

Upon selection, a reserve officer will only be required to complete at minimum, a 40 hour orientation program, which additionally includes all qualifications and certifications required by full-time sworn police officers.

Under no circumstance will a reserve officer be allowed to carry a weapon or be placed in a position to enforce law or make an arrest until after the successful completion of a California POST certified Basic Police Academy.

350.4.1 TRAINING OFFICERS
Any formal training of reserve officers will be conducted by a Field Training Officer (FTO).

350.4.2 PRIMARY FIELD TRAINING OFFICER (FTO)
Upon completion of the POST Basic Academy or POST Extended Basic Academy, reserve officers will be assigned to a primary Field Training Officer (FTO). The FTO will be selected from the

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currently assigned Field Training Officers. The reserve officer will be assigned to work with an FTO during his/her orientation.

350.4.3 RESERVE ORIENTATION MANUAL

Each new reserve officer will be issued a Reserve Officer Orientation Manual at the beginning of his/her appointment. This manual is an outline of the jurisdictions, forms, policies, procedures, organizational charts and other various points of concern to provide guidance for the reserve officer to properly function within the East Bay Regional Park District Police Department.

350.4.4 RELEASE FROM CONTINUAL SUPERVISION REQUIREMENT

Depending upon the level of experience a reserve officer has when selected, she/he may already be qualified to work unsupervised. Those qualifications include the completion of a POST Basic Academy or equivalent and possession of a POST Basic Certificate.

If a reserve officer should desire to work as a Level I (solo) Reserve Officer, he/she, upon approval of the Operations Division Commander, may be placed into the East Bay Regional Park District formal Field Training Program (see Policy 436). The reserve officer will be issued a Field Training Manual at the beginning of his/her First Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the East Bay Regional Park District Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

350.4.5 FIRST TRAINING PHASE

The reserve officer will be assigned to work with his/her primary FTO during this training phase. During, and at the completion of the First Training Phase (Phase I), the primary FTO will meet with the Reserve Officer Program Coordinator and the FTP Coordinator to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Second Training Phase (Phase II) of the training. If he/she has not progressed satisfactorily, the Reserve Officer Program Coordinator and the Field Training Program Coordinator will determine the appropriate action to be taken.

350.4.6 SECOND TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of additional field training. During Phase II the reserve officer may ride with any FTO.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual.

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350.4.7 THIRD TRAINING PHASE

Commencing with Phase III, the reserve officer will (preferably) return to his/her primary FTO for the remainder of his/her on-duty training. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary FTO will meet with the Reserve Officer Training Coordinator and the FTP Coordinator. Based upon the reserve officers' evaluations, and input from the primary FTO, the Reserve Officer Program Coordinator and FTP Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, and has received the endorsement of the Operations Division Commander, he/she will then graduate from the formal training program. If his/her progress is not satisfactory, the Reserve Officer Program Coordinator and the FTP Coordinator will decide upon the appropriate action to be taken.

350.4.8 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, referring to policy sections 350.4.5 through 350.4.7, he/she will no longer be required to ride with an FTO.

Immediately following the completion of the formal training process, a reserve officershall be required to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate, for a minimum of 84 hours before being considered for relief of immediate supervision (Penal Code §832.6(a)(2)) .

350.4.9 IN-SERVICE TRAINING

Reserve officers are required to complete the same POST mandatory in-service training as regular officers.

350.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers shall be under the immediate supervision of a regular sworn officer (Penal Code § 832.6).

350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

350.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

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350.5.3 IDENTIFICATION OF RESERVE OFFICERS
All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer except it shall be silver in color. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

350.5.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department. Equipment and uniforms for reserve officers shall not be distinguishable from those of full-time officers, with the following exceptions: nameplate, badge, shield and buckle shall be silver in color.

350.5.5 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

350.5.6 RESERVE OFFICER EVALUATIONS
While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

350.6 FIREARMS REQUIREMENTS
Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

350.6.1 CARRYING WEAPON ON DUTY
Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

350.6.2 CONCEALED FIREARMS PROHIBITED
No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of

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duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

350.6.3 RESERVE OFFICER FIREARM TRAINING
All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

(a) All reserve officers are required to qualify in accordance with the schedule outlined in the Firearms policy

(b) Reserve officers may fire at the department approved range more often with the approval of the Reserve Coordinator

(c) Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

350.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.1.2, 1.2.1, 1.2.2, 1.3.9, 16.1.1, 16.1.2, 16.1.3, 16.1.4, 16.1.5, 16.1.6, 16.1.7, 16.3.4, 16.3.5, 16.3.6, 16.3.8, 22.2.5, 22.2.7, 33.2.3, 33.2.4, 33.4.1, 35.1.2, 35.1.3, 35.1.5

Effective: January 2004

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Mutual Aid and Outside Agency Assistance

352.1 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.

352.1.2 DEFINITIONS

Agency Assistance - Means a less formal assistance to a local outside agency of personnel and/or agency resources.

Mutual Aid - Is a formal request for assistance to a law enforcement agency of personnel and/or agency resources. Such a request would normally be associated with some type of large scale emergency and is coordinated through Alameda County Sheriff's Office.

Local Emergency - Means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission. (Government Code §8558(c)).

Operational Area - A county, along with all the political subdivisions within that county constitutes an Operational Area.

Operational Area Law Enforcement Coordinator - The county Sheriff is the Operational Area law enforcement coordinator, with the exception of the City and County of San Francisco, where the chief of police is the Operational Area Law Enforcement Coordinator.

Mutual Aid Region - A Mutual Aid Region is a geographic area comprised of multiple operational areas a Mutual Aid Region manages and coordinates information and resources among operational areas within the mutual aid region and between the Operational Areas and the state level.

Regional Law Enforcement Mutual Aid Coordinator - A Regional Law Enforcement Mutual Aid Coordinator is an Operational Area Law Enforcement Coordinator, who is elected by other Operational Area Coordinators within the mutual aid Region, to coordinate the collective law enforcement mutual aid response of agencies within the Region.

State Law Enforcement Mutual Aid Coordinator - The State Law Enforcement Mutual Aid Coordinator is the Chief of the Law Enforcement Branch of the Governor's Ofce of Emergency Services. The State Coordinator is responsible for mutual aid response coordination and

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administrative interaction between state and local law enforcement agencies during emergency and nonemergency situations, where the mutual aid system is, or could be, involved.

Mutual Aid Mobile Field Force (MAMFF) - The MAMFF is an organized, trained, and equipped force of officers and supervisors from allied law enforcement agencies from within Contra Costa County. The operational concept is to deploy a force with the sufficient personnel and equipment to mitigate potential or real problems resulting from a formal request for mutual aid.

352.2 POLICY

It is the policy of the East Bay Regional Park District 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.

352.3 LOCAL REQUEST FOR MUTUAL AID

When it is determined that an unusual occurrence may become or is already beyond the control of the EBRPD Police Department and its resources, it is the responsibility of the Chief or his or her designee to request mutual aid from the Operational Area Law Enforcement Mutual Aid Coordinator.

A declaration of local emergency may or may not be appropriate for the circumstances; however the Chief of Police may request mutual aid prior to the activation of an EOC or formal declaration of local emergency. Mutual aid request and response is not dependent on a declaration of local emergency.

352.3.1 LOCAL EMERGENCY

In periods of local emergency, political subdivisions (cities or counties) have the power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, plans, or agreements.

During a local emergency, state agencies may provide mutual aid, including personnel, equipment, and other available resources, to assist local jurisdictions in accordance with mutual aid plans or at the direction of the Governor. By proclaiming a local emergency, the governing body of a city or county expands its regulatory enforcement, subject to constitutional constraints, increases its police power and may promulgate temporary emergency orders and regulations necessary to provide for the protection of life and property.

Response costs are absorbed by the responding agency notwithstanding any other agreements to the contrary or disaster reimbursement funds that may become available.

To reiterate, a Declaration of Local Emergency is not required before requesting law enforcement mutual aid.

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352.4 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. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. 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 such assistance is rendered, a case number will be issued to report action taken by East Bay Regional Park District Police Department Personnel.

352.4.1 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 East Bay Regional Park District Police Department shall notify the the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.

352.5 OPERATIONAL AREA MUTUAL AID

When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within an Operational Area, it is the responsibility of the Operational Area Mutual Aid Coordinator to provide assistance and coordination to control the problem. (Government Code § 26602 GC)

In response to a request for law enforcement mutual aid by a chief of police within the Operational Area, the sheriff will implement procedures to activate the mutual aid. The sheriff will coordinate the Operational Area response of law enforcement resources including the response of law enforcement resources of unaffected operational area municipalities, the local CHP, and other law enforcement agencies within the Operational Area, as well as his/her own resources, to assist the affected local chief of police in the manner requested. If it appears likely that the resources of an Operational Area will become depleted, the Regional Coordinator should be advised in advance.

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352.5.1 MUTUAL AID MOBILE FIELD FORCE (MAMFF) - CONTRA COSTA COUNTY
The MAMFF will be made available for response pursuant to requests for mutual aid in the event of disaster, civil unrest, or other major incidents following the guidelines as specified in the State of California Guidelines for Law Enforcement Mutual Aid Response and the Contra Costa County Police Chief's Association Mutual Aid Agreement.

Upon receipt of a mutual aid request:

(a) The Contra Costa County Law Enforcement Mutual Aid Coordinator will:

1. Notify the Regional Mutual Aid Coordinator.
2. Notify the Mutual Aid Mobile Field Force Officer in Charge (MAMFF OIC) of the activation request.
3. Notify the allied agency on-duty watch commanders of the activation request.

(b) The Mobile Field Force Officer in Charge will:

1. Notify the individual members of the MAMFF. This notification will include the location of the assembly point for the MAMFF, the expected duration of the activation and other pertinent information.

When activated, the MAMFF will follow the SEMS/NIMS/ICS protocol outlined in the Law Enforcement Guide for Emergency Operations.

(a) The MAMFF will be comprised of personnel from the Allied Law Enforcement Agencies in Contra Costa County. The East Bay Regional Park District Police Department is committed to send 2 MAMFF officers to assist if MAMFF is activated.

(b) Individual EBRPD MAMFF officers, upon receipt of the activation, shall notify Dispatch of the call out, confirm Watch Commander incident notification, and obtain approval to mobilize.

352.5.2 AFTER ACTION REPORT (ASSIST TO OUTSIDE AGENCY)
An After Action Police Report will be completed by one of the EBRPD MAMFF members, as designated by the Watch Commander, a copy of which will be forwarded to the Chief of Police. The After Action Report will include a synopsis of the event, the personnel deployed, hours worked, arrests made, expenditures, reimbursements, any use of force, and problems encountered.

352.6 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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352.7 REGIONAL MUTUAL AID

Should an existing or anticipated emergency be of such magnitude as to require the commitment of the resources of one or more Operational Areas, it is the responsibility of the Regional Law Enforcement Mutual Aid Coordinator to organize the notification and response of resources within that region.

The Regional Coordinator will keep the State Law Enforcement Mutual Aid Coordinator, who is the Chief of the Law Enforcement Branch, Governor's Office of Emergency Services, advised of the situation status. The State Law Enforcement Mutual Aid Coordinator may support the regional response by issuing mission numbers (see California Mutual Aid Plan glossary, Mission Numbers) and tasking state agencies within the region. An unusual occurrence necessitating regional law enforcement mutual aid may or may not result in a proclamation of a state of emergency.

352.8 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. The supervisor shall determine if a police report or other documentation of the officer's activity is required. The report or memorandum shall be forwarded to the officer's Division Commander.

352.9 MORE INFORMATION

This policy is a brief overview of the California Law Enforcement Mutual Aid Plan. Additional copies of the California Law Enforcement Mutual Aid Plan may be a obtained through the California Office of Emergency Services or their website at www.caloes.ca.gov.

352.10 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 Support Services 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 Sergeant should maintain documentation that the appropriate members have received the required training.

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352.11 APPLICABLE STANDARDS AND DATES

CALEA Standards: 2.1.3, 2.1.4

Effective Section 352: January 2004

Combined sections: Section 335 into 352 on February 1, 2012; Section 426 into 352 on January 31, 2017

Revised: February 12, 2007; July 1, 2008; November 1, 2008; July 22, 2010; February 1, 2012; September 17, 2012; February 12, 2013; January 31, 2017; September 20, 2017; July 10, 2023

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Helicopter Response to Mutual Aid Requests

353.1 PURPOSE AND SCOPE

It is the policy of the East Bay Regional Park District to balance the needs of the District against more compelling public safety needs as it concerns the use and operation of the District's helicopter. This policy provides for the appropriate mutual aid response of the helicopter to outside agency requests.

353.2 DEFINITION

Mutual Aid Request-is a request by another law enforcement, fire or EMS agency for assistance in addressing a law enforcement, fire or search and rescue incident.

353.3 REQUESTS FOR ASSISTANCE

Requests for assistance may be made through the Communications Center or directly to the Air Support Unit. These requests should be evaluated by the helicopter staff and forwarded to the Watch Commander for review and approval. If the Watch Commander is not available, then the request should be made to the on-duty patrol supervisor.

Although the Air Support Unit may monitor local outside agency radio frequencies when flying above their jurisdictions, they should refrain from volunteering to respond to routine matters absent a compelling need for air support. Exceptions may be made for serious or life-threatening incidents. However, authorization must be obtained from the Watch Commander prior to responding to the incident whenever possible.

353.4 AIR SUPPORT UNIT RESPONSIBILITY

The Helicopter Crew is responsible for notifying the Communications Center whenever a request for assistance is received or they monitor a serious or life threatening incident in which their assistance is needed and provide all pertinent information regarding the incident.

353.5 COMMUNICATION CENTER RESPONSIBILITY

Upon receipt of a request for helicopter mutual aid, the communications center shall do the following:

(a) Obtain the pertinent information about the incident from the outside agency or Air Support Unit

(b) Ascertain if the helicopter is staffed and available for response

(c) Notify the Watch Commander of the request and provide him/her with the pertinent information about the incident

(d) Advise the Air Support Unit and the outside agency of the Watch Commander's decision and provide the outside agency with an ETA, if appropriate

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353.6 WATCH COMMANDER RESPONSIBILITY

When notified of a request for helicopter mutual aid, the Watch Commander should review the request and either approve or deny it. In the event the request is for a fire-related incident, the Watch Commander should consult with the on-duty Fire Command Officer. The following factors may be considered:

(a) Seriousness of the incident

(b) Current District activity levels and pending calls for service

(c) Estimated duration of the commitment to the outside incident

(d) Timeliness of response

(e) Configuration of the aircraft as it relates to the nature of the request

353.7 AFTER HOURS REQUESTS

When requests for helicopter mutual aid are made after normal operating hours, the Watch Commander may decide, based upon the totality of circumstances, to call the helicopter crew back to duty or request an early morning flight. In these cases, the Air Support Unit sergeant should be notified and requested to coordinate this response.

353.8 NON-EMERGENCY REQUESTS

Requests for helicopter services by outside agencies for non-emergency services (e.g. "photo-flights'" or "VIP tours") may be coordinated by the Air Support Unit sergeant or designee with prior approval from Command Staff whenever possible.

353.9 FIRE RESPONSE PROTOCOL

353.9.1 FIRES LOCATED WITHIN ALAMEDA AND CONTRA COSTA COUNTY

Requests for helicopter fire suppression response from fire agencies will be made through the District's Communications Center. The agency shall provide an incident Order Number and a Request Number, location of the incident, ground contact identifier and ground contact frequency. The flight crew has the authority to investigate smoke or monitor wild land fire activity during normal patrol operations. When the helicopter responds to investigate an incident that does not threaten or involve District property, the flight crew will notify the District's Communication Center of the following:

(a) Nature and location of the incident

(b) Report on conditions observed at the scene

(c) Anticipated duration of the helicopter's involvement at the scene

The Communications Center is responsible for notifying the Police Watch Commander and Fire Duty Chief if the helicopter becomes committed to an incident.

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353.9.2 FIRES OUTSIDE ALAMEDA AND CONTRA COSTA COUNTY

Fires outside Alameda and Contra Costa Counties must be filled via a formal mutual aid request directly to the District's Communications Center or through CDF or OES. The requesting agency shall provide an incident Order Number and a Request Number, location of the incident, ground contact identifier and ground contact frequency.

Responses require prior approval from the Police Watch Commander or Fire Duty Chief.

353.9.3 COMMITMENT DECISION OUTSIDE OF TWO-COUNTY DISTRICT

Decisions about whether or not to commit to a given incident will be made by the Helicopter crew with approval of the Command Staff. Police and Fire Commanders will approve out-of-county response of helicopter resources. The criteria to be used for deciding to commit the helicopter include:

(a) Nature of the assignment (evacuations, reconnaissance, fire suppression, etc.)

(b) Availability of additional District helicopter(s) and crew

(c) Incident location

(d) Anticipated duration of commitment

(e) Potential activity and fire weather conditions within the District

(f) Availability of alternate air resources

353.9.4 FIRE SUPPRESSION ENGAGEMENT DECISION

On-site decisions about type and level of suppression involvement by the helicopter will be the responsibility of the Pilot-in-Command (PIC). The basis for making on-site decisions is that in the judgment of the PIC they can safely undertake the assignment given their assessment of all currently available information and factors related to the incident, including but not limited to:

(a) Nature of the assignment (evacuations, reconnaissance, fire suppression etc.)

(b) Time of day

(c) Weather conditions

(d) Terrain/obstructions

(e) Fire conditions, including fuel type, rate of spread, level of threat, haz-mat risks

(f) Water source availability

(g) Physical and mental condition of the pilot and or helicopter flight crew

353.9.5 RELEASE PROTOCOL

(a) Safety Release - The Pilot-in-Command (PIC) has ultimate authority for a decision to disengage from a fire for safety reasons and shall give the Incident Commander reasonable notice of need for release.

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(b) Timing-Out - When a pilot has flown the maximum permitted flight hours or duty period as described in the "Inter-agency Helicopter Operating Guidelines" document IHOG). The pilot is considered to be "timed-out" and shall give the Incident Commander reasonable notice of their need for release.

(c) Request for Diversion to a Greater Need - If the District Watch Commander, Fire Duty Chief, Communications Center or helicopter crew become aware of a greater need for the District's helicopter, release will be requested. If the release request comes directly from the helicopter they will contact the Incident Commander through their ICS chain of command. If the release request comes from outside the incident (District Command Staff or Communications Center personnel) the District's Communications Center will contact the requesting agency's Communications Center and have them relay the request for release to the Incident Commander.

(d) At the Conclusion of the Incident - The helicopter flight crew will request release from the incident command structure prior to departing the incident.

353.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: March 2005; July 1, 2008; November 1, 2008; November 23, 2009

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Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the East Bay Regional Park District Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

356.2 POLICY

It is the policy of the East Bay Regional Park District 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.

356.3 REGISTRATION

The Investigative Unit 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.

356.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

356.4 MONITORING OF REGISTERED OFFENDERS

The Investigative Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant's parole or probation officer.

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Any discrepancies should be reported to the California DOJ.

The Investigative Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to East Bay Regional Park District Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 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 East Bay Regional Park District Police Department's website. Information on sex registrants placed on the East Bay Regional Park District Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

356.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(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).

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356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

356.6 APPLICABLE STANDARDS AND DATES

CALEA Standard: 82.1.1

Effective: January 2004

Revised: March 2005; May 23, 2006; July 1, 2008; November 1, 2008; May 6, 2009, February 3, 2011; February 1, 2012; June 26, 2018; March 31, 2020; July 10, 2023

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Major Incident Notification

358.1 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.

358.2 POLICY

The East Bay Regional Park District Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR MAJOR INCIDENT NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification of the Chief and is not intended to be all inclusive:

- All deaths (e.g. Homicides, Unattended, Accidental, vehicle/bicycle collision)
- 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 District employee or prominent East Bay Regional Park District official
- Arrest of a District employee or prominent East Bay Regional Park District official
- Aircraft or train crash with major damage and/or injury or death
- In-custody deaths
- Significant fire involving District property
- Any incident likely to attract media attention
- Incidents or investigations involving EBRPD employees (victim or suspect)

358.4 CRITERIA FOR COMMANDER NOTIFICATION

There are several incident types which may prove useful for supervisors on patrol to reference in determining if commander level notifications are to be initiated. These incidents may not require District-wide notifications, but should trigger a notification of commanders by the on-scene supervisor or be relayed through Dispatch. Communication should follow the normal chain of command:

- Supervisor to Lieutenant (or On Call Commander)
- Lieutenant to Division Commander
- Division Commander to Chief of Police

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These types are:

- Significant incidents involving children
- Real or perceived Hate Crimes
- Fatal or near fatal aquatic incidents
- Significant uses of force resulting in an injury to officer or suspect requiring medical treatment.
- Request for prolonged mutual aide
- Significant loss or theft of District property
- Arrest of a District employee or prominent East Bay Regional Park District official
- Criminal conduct/allegations of criminal conduct by District employees
- Significant medical incidents (e.g. transported) involving District employees

358.5 WATCH COMMANDER OR INCIDENT COMMANDER RESPONSIBILITY

The Watch Commander, or Incident Commander, (which may be an on-scene supervisor) is responsible for making the appropriate notifications via the chain of command. The Watch Commander, or Incident Commander, shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander, or Incident Commander, shall then notify the Communications Center to begin a major incident notification.

When a criminal investigation is occurring as a part of the major incident, the lead investigator should be consulted before any notifications of non-police department personnel are made.

358.5.1 COMMUNICATION SUPERVISOR RESPONSIBILITY

The Communications Supervisor is responsible for ensuring that preliminary major incident notifications are completed after being requested by the Watch Commander or Incident Commander. Communications Center staff may prompt the Watch Commander or Incident Commander regarding notification. The preliminary notification shall be made as soon as possible with basic information regarding all incident types listed in 358.2. The following should be followed when making notifications:

(a) The Communications Center staff shall make contact with all appropriate personnel on the notification list.

(b) The Communications Center staff should notify the applicable personnel through email, text or contact by phone. Refer to the Communications Administration/ Operations Procedure 25 for specific instructions.

(c) The Incident Commander initiating the Major Incident Notification may direct Communications Center staff to make personal/telephone notifications to key personnel. Notification during non-business hours (1900 to 0700) should be limited to those required to respond to the scene unless otherwise directed by the Incident Commander.

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(d) Notifications should be documented on the Major Incident Notification form. The original form shall be attached to the incident and, if requested, copies should be sent to the Chief of Police and the Operations Commander.

(e) Should the Incident Commander or lead investigator choose to make the notifications personally, he/she will advise the Communications Center staff of the names and times notified for inclusion on the Major Incident Notification list.

Supplemental notification shall be made by the Watch Commander as the incident develops and more information is available.

358.5.2 INVESTIGATION NOTIFICATION

If the incident requires an investigator respond from home, the on-call investigator will be notified. The following criteria should be used as a guide in determining if a call out should be made:

(a) The case involves a serious felony and would benefit from a prompt detective follow-up

(b) Delay might substantially jeopardize the success of the investigation

(c) The needs of the investigation require that a search warrant or Ramey warrant be obtained immediately

(d) There is an immediate need to determine the facts of a serious incident (e.g. officer involved fatal incident) to respond to media inquiries

(e) There is a need for immediate coordination of investigators from several jurisdictions

(f) There is likely to be great public interest in the case (e.g. prominent victim or arrestee)

(g) Detective Unit knowledge, skills and inter-agency contacts would markedly improve the handling of the investigation

358.5.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

The Public Information Officer role may be filled by a Police Department member or the District Public Affairs Specialist.

358.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 11.3.3, 81.2.4

Effective: January 2004

Revised: February 12, 2007; July 1, 2008; November 1, 2008; March 30, 2009; May 6, 2009; August 3, 2011; September 17, 2012; February 12, 2013; August 21, 2013; October 30, 2014; July 27, 2015; January 31, 2017; September 20, 2017; November 20, 2018; July 2, 2022; July 12, 2023

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Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

360.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by 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.

360.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person may be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official or the Coroner from that jurisdiction may be requested to make the personal notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

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360.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate report.

360.2.6 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES
Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

360.3 APPLICABLE STANDARDS AND DATES

CALEA Standard: 55.2.6

Effective: January 2004

Revised: May 23, 2006; July 1, 2008; November 1, 2008; May 6, 2009; November 23, 2009, February 3, 2011; August 3, 2011; July 27, 2015

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Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

362.2.1 REPORTING FORMS

Officers shall document an identity theft investigation using the standard crime reporting process in the Records Management System.

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362.3 PREVENTION AND VICTIM ASSISTANCE

Fraud prevention materials and publication shall be made available on the East Bay Regional Park District website. The Investigations Supervisor is responsible for causing the materials to be updated when necessary. Department members should offer a Victims of Identity Theft Information Pamphlet to all victims of identity theft. It contains information to assist victims in re-establishing their credit and identity.

362.4 APPLICABLE STANDARDS AND DATES

CALEA Standards: 82.2.1

Effective: January 2004

Revised: July 1, 2008; November 1, 2008; March 30, 2009; November 23, 2009; February 18, 2010

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Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

364.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.5, 1.2.6, 1.2.7, 82.2.1, 82.2.2

Effective: January 2004

Revised: July 1, 2008; November 1, 2008

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Anti-Reproductive Rights Crimes Reporting

366.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

366.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.

(c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

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2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

366.4 APPLICABLE STANDARDS AND DATES

CALEA Standards: 82.2.1, 82.1.4, 82.2.4

Effective: January 2004

Revised: March 2005; July 1, 2008; November 1, 2008

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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

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.

Bilingual member - A member of the East Bay Regional Park District Police 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).

368.2 POLICY

It is the policy of the East Bay Regional Park District 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.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

East Bay Regional Park District Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

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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.

368.4 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered.

368.5 BILINGUAL MEMBERS

When a bilingual member from this department is not available, personnel from other District departments or other city or county law enforcement agencies may be requested.

368.6 INTERPRETERS

368.6.1 SOURCES OF INTERPRETERS

The Department may contract with 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:

- Bilingual members of this department or personnel from other District 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 that will interpret according to department guidelines.

368.6.2 OTHER SOURCES OF LANGUAGE ASSISTANCE

Department members must carefully consider the nature of the contact and the relationship between the LEP individual and the source of language assistance to ensure neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.7 CONTACT AND REPORTING

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

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and whether the individual elected to use services provided by the Department or some other identified source.

368.8 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The East Bay Regional Park District 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.

368.8.1 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 bilingual member is available in the Communications Center, the call shall immediately be handled by the bilingual member.

If a 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 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.

368.9 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a bilingual member or an interpreter before placing an LEP individual under arrest.

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368.10 INVESTIGATIVE INTERVIEWS

Any *Miranda* warnings should be provided to suspects in their primary language or, if the suspect is literate, by providing a translated *Miranda* warning card when possible.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a bilingual member or interpreter is unavailable and there is an immediate need to interview an LEP individual.

368.11 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.12 APPLICABLE STANDARDS AND DATES

CALEA Standard: 1.2.3, 33.7.2

Effective: January 2004

Revised: July 1, 2008; April 1, 2009; May 6, 2009; Februrary 1, 2012; August 21, 2013; January 31, 2017

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Communications with Persons with Disabilities

370.1 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.

370.1.1 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.

370.2 POLICY

It is the policy of the East Bay Regional Park District 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.

370.4 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

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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.

370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the East Bay Regional Park District 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.

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370.6 TYPES OF ASSISTANCE AVAILABLE

East Bay Regional Park District 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.

370.7 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.

370.8 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.

(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 contact the communications center 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).

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370.9 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.

370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE.

Department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 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.

370.12 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.

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All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

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370.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer or booking agency shall provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 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 handled in accordance with Policy 1020.

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.

370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

370.18.1 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.

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(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.

370.19 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.3, 33.7.2, 81.2.1

Effective: May 23, 2006

Revised: July 1, 2008; November 1, 2008; November 23, 2009; August 21, 2013; May 18, 2016

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Mandatory Employer Notification

372.1 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.

372.2 POLICY

The East Bay Regional Park District Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

372.3 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.

372.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher 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).

372.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 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).

372.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher

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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).

372.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR
In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

372.4 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).

372.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: March 2005

Revised: July 1, 2008; November 1, 2008; February 27, 2014; July 27, 2015; July 25, 2016; May 24, 2017; March 31, 2020

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Biological Samples

374.1 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.

374.2 POLICY

The East Bay Regional Park District 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.

374.3 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.

374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

374.4.1 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.

374.5 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.

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Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.5.1 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).

374.5.2 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).

374.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

374.6.1 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.

374.6.2 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

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(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

374.6.3 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.

374.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: May 23, 2006

Revised: July 1, 2008; April 1, 2009; February 1, 2012; September 17, 2012; February 27, 2014; July 10, 2023

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Crime Prevention and Community Involvement

375.1 PURPOSE AND SCOPE

The EBRPD Police Department recognizes the value and importance of engaging, educating, and partnering with its citizens to prevent crime and serve, protect, and promote a safe community. The Department utilizes paid and volunteer personnel to deliver innovative crime prevention methods and programs. This policy delineates responsibilities and provides basic direction.

375.2 ORGANIZATION AND RESPONSIBILITY

Crime prevention and community education is a shared responsibility of all members of the EBRPD Police Department. During the scope of their duties, all members are expected to provide useful crime prevention information to community members whether it be in person, over the telephone, or through media, computer, or written correspondence.

375.2.1 OPERATIONS DIVISION

The Operations Division Commander is responsible for the department's overall crime prevention activities and shall ensure the evaluation and review of these programs at least once every two years.

375.2.2 VOLUNTEER COODINATOR

The Volunteer Coordinator, under the direction of the Operations Divisions Commander, develops and carries out procedures for the delivery of crime prevention and community involvement. At least quarterly, the Volunteer Coordinator will prepare and submit a report to the Chief of Police regarding:

- Current community concerns or potential problems he/she has become aware of
- Actions he/she recommends regarding the concerns or problems and
- Any progress made toward the solution of the concerns or problems.

375.2.3 OPERATIONS DIVISION COMMANDER

The Operations Division Commander is responsible to ensure patrol staff engages in crime prevention activities by:

- Offering information about crime prevention programs to victims and community members when possible
- Attending Park Operations Meetings within their beat when available
- Transmit relevant information received regarding community concerns or problems to the Volunteer Coordinator

375.3 APPLICABLE STANDARDS AND DATES

CALEA Standards: 45.1.1, 45.2.1

Effective: March 30, 2009; October 7, 2020

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Chaplains

376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for East Bay Regional Park District Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

376.2 POLICY

The East Bay Regional Park District Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

376.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

(g) Must be certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

(h) Must have at least five years of successful ministry experience within a recognized church or religious denomination.

(i) Membership in good standing with the International Conference of Police Chaplains (ICPC) or Federation of Fire Chaplains (FFC).

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

376.4 RECRUITMENT, SELECTION AND APPOINTMENT

The East Bay Regional Park District Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

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376.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

376.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform.

Chaplains will be issued East Bay Regional Park District Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard East Bay Regional Park District Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

376.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Support Services Lieutenant or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

376.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the East Bay Regional Park District Police Department.

376.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

376.7.2 OPERATIONAL GUIDELINES

(a) Chaplains shall be permitted to ride with officers during any shift and observe East Bay Regional Park District Police Department operations, provided the Watch Commander has been notified and has approved the activity.

(b) Chaplains shall not be evaluators of members of the Department.

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(c) In responding to incidents, a chaplain shall never function as an officer.

(d) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(e) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

376.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

376.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

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376.7.5 ASSISTING THE COMMUNITY
The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

376.7.6 CHAPLAIN MEETINGS
All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

376.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the East Bay Regional Park District Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any East Bay Regional Park District Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

376.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics

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- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

376.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.5, 55.2.6, 81.2.10

Effective: August 3, 2011

Revised: February 12, 2013; August 21, 2013; July 27, 2015

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Child and Dependent Adult Safety

380.1 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.

380.2 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 East Bay Regional Park District 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.

380.3 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.

380.3.1 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.

380.3.2 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.

380.3.3 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

380.3.4 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.

380.4 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).

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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.

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

380.5 TRAINING

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

380.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: March 30, 2009

Revised: August 21, 2013; May 18, 2016; January 31, 2017; October 7, 2020; June 21, 2021

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Service Animals

382.1 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).

382.1.1 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)).

382.2 POLICY

It is the policy of the East Bay Regional Park District 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.

382.3 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.

382.4 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 East Bay Regional Park District Police Department affords to all members of the public (28 CFR 35.136).

382.4.1 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.

382.4.2 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.

382.4.3 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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382.4.4 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).

382.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: March 30, 2009

Revised: February 1, 2012; July 27, 2015

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Volunteer Program

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, Volunteer Trail Safety Patrol members, or interns. Volunteers are at-will employees and have no vested right to employment.

Auxiliary volunteers are not sworn officers and have no powers of arrest beyond those of any private person.

Although volunteers, this section does not apply to unpaid reserve officers. Policy regarding reserve officers can be found in section 350.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Recommendation to the Operations Division Commander for disciplinary matters.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

384.2.3 SCREENING

Police Volunteers must be of sound mind and morale character, free from affiliation with criminals or personal criminal history that would indicate incompatibility with Department membership.

All East Bay Regional Park District Police Department volunteers must be "authorized volunteers." This means they must have successfully completed the following steps:

(a) Application

(b) Livescan fingerprint check

(c) Oral interview

(d) Appropriate orientation or certification

(e) Complete and sign the "Agreement with individual volunteer form"

(f) VTSP Non-Police Powers Form

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description, VTSP identification card, parking pass, and uniform.

Volunteers should be placed only in assignments or programs that are consistent with their demonstrated knowledge, skills, abilities and the needs of the Department.

384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator. Volunteers are required to receive additional field training with a trainer and, in addition, Mounted Patrol Program volunteers are required to complete an annual recertification with a trainer.

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Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to the Volunteer Coordinator any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests for any offense

(d) Being the subject of criminal investigations.

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use (see policy manual section 340).

384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

384.2.8 DUTIES

Volunteer duty assignments exist in many units within the department. Specific assignments and duties for volunteer are listed in the Volunteer Training Manual. After completion of all required screening, paperwork, training and appointment, volunteer duties may include the following:

(a) Conduct general or special patrols of District parklands, with emphasis upon multi-use trails, in an "observe, report, and educate" role.

(b) Provide information to park visitors concerning trail conditions, directions, general park information, rules, regulations, and related subjects.

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(c) Recruit, train and equip qualified Trail Safety Patrol member s for the organization's Search and Rescue (SAR) Team.

(d) Perform Search and Rescue functions as directed.

(e) Provide traffic control and visitor contact as required.

(f) Train and equip volunteers to provide, at their discretion, assistance to park visitors.

(g) Provide information to appropriate staff regarding park conditions encountered or reported to them.

(h) Assist as requested with various activities sponsored by the Public Safety Division and District

(i) Assist Public Safety personnel and park staff as needed.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

The Department issues each volunteer an official department identification card bearing the volunteer's name, identifying information and photo likeness. All volunteers shall be in possession of their department issued identification card at all times while on duty.

Whenever on duty or acting in an official capacity representing the department, volunteers shall display their department issued identification in a courteous manner to any person upon request and as soon as practical. Any fixed and portable equipment issued by the Department shall be for official and authorized use only.

Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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384.5.1 VEHICLE USE

The Volunteer Coordinator should ensure that all volunteers who will be operating a Department vehicle receive safety briefing updates and maintain a valid California Driver License.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles. Volunteers are not authorized to operate a Department vehicle Code-3.

384.5.2 RADIO USAGE

Volunteers shall successfully complete radio procedures training prior to using the police radio and comply with all related provisions. The Volunteer Coordinator should ensure that radio training is provided for volunteers whenever necessary.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

384.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 45.3.1

Effective: February 18, 2010

Revised: July 22, 2010; February 12, 2013; December 5, 2017

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Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the East Bay Regional Park District Police Department with respect to taking law enforcement action while off-duty.

386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

386.3 FIREARMS

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

386.4 DECISION TO INTERVENE

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

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

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(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

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

386.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an East Bay Regional Park District Police Department officer until acknowledged. Official identification should also be displayed.

386.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

386.4.3 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.

386.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

386.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

386.6 APPLICABLE STANDARDS AND DATES

CALEA Standard: NONE

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Off-Duty Law Enforcement Actions

Effective: July 22, 2010

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Department Use of Social Media

389.1 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).

389.1.1 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

389.2 POLICY

The East Bay Regional Park District Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

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

389.3 AUTHORIZED USERS

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

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

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

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389.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

(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.

389.4.1 INCIDENT-SPECIFIC USE

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

389.5 PROHIBITED CONTENT

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

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the East Bay Regional Park District 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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389.5.1 PUBLIC POSTING PROHIBITED

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

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

389.6 MONITORING CONTENT

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

389.7 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.

389.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: July 27, 2015

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Gun Violence Restraining Orders

390.1 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).

390.1.1 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).

390.2 POLICY

It is the policy of the East Bay Regional Park District 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.

390.3 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).

390.3.1 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).

390.4 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Investigative Unit supervisor will serve as the 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.
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).

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2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

390.5 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

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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.

390.5.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS
An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

(a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.

(b) Serve the order on the restrained person if the person can be reasonably located.

(c) Forward a copy of the order to the Records Supervisor for filing with the court and appropriate databases.

390.6 SEARCH WARRANTS

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

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(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.

390.7 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

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(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).

390.8 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

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

(a) Record the individual's name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

390.9 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.

390.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigative Unit 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).

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390.11 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).

390.12 TRAINING

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

390.13 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: May 12, 2016; March 27, 2019; March 31, 2020; June 21, 2021; December 30, 2021

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Police Department

Native American Graves Protection and Repatriation

391.1 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.).

391.1.1 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.

391.2 POLICY

It is the policy of the East Bay Regional Park District 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.

391.3 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

391.4 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).

391.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: May 12, 2016

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The East Bay Regional Park District 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.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of East Bay Regional Park District. 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.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(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.

400.4 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.

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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.

400.4.1 REVIEWING MATERIALS
Officers reporting to duty shall at the beginning of each shift, review the information clipboards and bulletin board in the briefing room for new information.

400.5 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.6 PATROL BEATS

The District is geographically segmented into patrol beat areas. Watch Commanders and Patrol Supervisors should assure that beat areas are clearly assigned to officers. Officers should be assigned a beat area for the duration of the shift rotations when possible. This allows officers to become more familiar with their parks, businesses and issues in one beat.

Officers are responsible for taking a proactive, community policing approach to the issues within their assigned beat.

400.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.1.2

Effective: January 2004

Revised: May 23, 2006; July 1, 2008; November 1, 2008; March 30, 2009; May 6, 2009; February 18, 2010, February 3, 2011; December 5, 2017; June 26, 2018

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the East Bay Regional Park District Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 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).

Bias-by-Proxy - When an individual calls/contacts the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service based in unlawful bias, they risk perpetuating the caller's bias. Sworn and civilian staff should use their critical decision-making skills, drawing upon their training to assess whether there is criminal conduct.

Implicit Bias - The attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal.

402.2 POLICY

The East Bay Regional Park District Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

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402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT
Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 REASON FOR CONTACT
Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

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.

402.4.2 REPORTING OF STOPS
Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. 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 East Bay Regional Park District Police Department is the primary agency, the East Bay Regional Park District Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

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402.5 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 MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.

  1. Supervisors should document these periodic reviews.
  2. Recordings 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.

402.6 ADMINISTRATION

Each year, the Support Services Division Commander (or designee) shall review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report and discuss the results, including legal aspects, with those they are assigned to supervise.

402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training.

(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.

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(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Records Unit and the Records Supervisor or the authorized designee shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Unit Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See the Records Unit Policy).

402.9 APPLICABLE STANDARDS AND DATES

CALEA Standard: 1.2.9

Effective: January 2004

Revised: March 2005, February 12, 2007; November 1, 2008; May 1, 2009; September 17, 2012; February 12, 2013; August 21, 2013; May 18, 2012; January 31, 2017; May 24, 2017; September 20, 2017; June 26, 2018; October 7, 2020; June 21, 2021; June 28, 2022

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Briefing Training

404.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Interim Directives or changes in Interim Directives

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

404.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

404.4 APPLICABLE STANDARDS AND DATES

CALEA Standards: 33.5.2, 41.1.2

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; July 1, 2008; November 1, 2008; March 30, 2009; July 27, 2015

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Crime And Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 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.

406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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406.5 PRELIMINARY INVESTIGATIONS

During the stabilization of the scene officers should be observant of conditions, event, spontaneous statement and other items of evidentiary nature. Following the stabilization of the scene, officers should make every attempt to locate and interview the reporting party, witnesses and suspects, if appropriate, and should collect or arrange for the collection of evidence as appropriate, depending upon the complexity of the investigation, and their expertise.

406.6 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.6.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.7 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

406.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.2.4, 42.2.1, 46.1.4

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Special Details

407.1 PURPOSE AND SCOPE

Special details are an important tool in delivering directed police services to deter crime and provide additional law enforcement presence to targeted areas. Proper planning and training will tend to reduce the risks involved with these types of enforcement details.

407.2 DEFINITIONS

Special Detail - is a group of employees, supervised by a sergeant or commander, who have been formed to address a specific law enforcement issue. Special details may consist of officers from multiple agencies. Normally, special details are formed for the purpose of serving search warrants, conducting surveillances, conducting high-presence uniformed patrols concentrated to address a specific police need, or similar law enforcement purpose.

Operations Plan - is a written document that defines the objective of the detail and provides information, including location, involved personnel and other pertinent information regarding the detail. The standard departmental operations plan format should be used. An Operations Plan is required for all medium and high risk, pre-planned events, as determined by the risk analysis.

Operations Plan Card - is a pocket sized card issued to supervisors with all of the same information contained in the formal Operations Plan document. This card should only be used if an incident is rapidly evolving or expediency dictates that it's not practical to use the formal Operations Plan document.

Risk Analysis Form - establishes criteria for assessing risk factors at critical incidents and assessing potential risk factors for planned operations. This evaluation will determine if the mission requires consultation with Special Response Unit Tactical Leaders or if Special Response Unit resources are required to respond in accordance with § 415 of this Manual.

407.3 SUPERVISOR RESPONSIBILITY

Upon being assigned to supervise a special detail or while organizing a special detail, the supervisor of the detail shall:

(a) Notify the Watch Commander or the Operations Commander of the need for the detail and request permission to organize the detail.

(b) Complete the appropriate Risk Analysis Form to determine if an Operations Plan is necessary.

(c) If necessary, develop an Operations Plan for the Special Detail and provide copies to the Communications Center and Watch Commander in advance of the start time for the detail.

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(d) Hold a briefing for the officers involved in the special detail at a specifically designated place and time. All officers should be fully informed regarding the nature of the detail and their duties.

(e) Ensure that any affected outside jurisdictions have been notified of the special detail.

(f) Supervise and coordinate the special detail. The supervisor should not be in an undercover position that would hamper his/her ability to provided supervisory oversight during the detail.

(g) If an incident is rapidly evolving or expediency dictates that it's not practical to use the formal Operations Plan document, then the incident supervisor or commander shall conduct a briefing using the Operations Plan Card.

407.4 WATCH COMMANDER RESPONSIBILITY

Upon being notified of a special detail, the Watch Commander shall:

(a) Review the special detail and risk analysis to insure that it is linked to a compelling District interest and approve or deny the request to form the detail.

(b) If the detail is approved, obtain and review a copy of the Operations Plan, if warranted based on the risk analysis criteria, before the detail has begun.

(c) Send an electronic copy of the Operations Plan to the Chief of Police and the Operations Captain as soon as possible.

(d) Forward a hard copy of the approved Operations Plan to the Office of the Chief as soon as practicable for filing purposes.

(e) Whenever possible, attend the briefing for the detail.

407.5 NOTIFICATIONS

The following notifications should be made prior to the beginning of any special detail:

(a) The District's Communications Center

(b) Any agency that has primary law enforcement jurisdiction at the location where the special detail is being conducted

(c) Watch Commander or on-call Commander

407.6 ADHERENCE TO POLICY

Regardless of location or agency involvement, personnel are required to adhere to all District policies when participating in special details.

Operations Plans should conform to the SMEAC (Situation, Mission, Execution, Administration, Command & Communication) format, which is detailed in Procedure O321 and stored on the Public Safety shared drive.

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407.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: July 1, 2008, August 3, 2011; February 27, 2014; May 18, 2016

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Special Response Unit

408.1 PURPOSE AND SCOPE

The Special Response Unit is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The Unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written in accordance with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

408.1.2 ADMINISTRATIVE POLICY

Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on the scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required.

408.1.3 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high risk incidents. As a matter of department policy, such a unit may also be used to serve high risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 LEVELS OF CAPABILITY/TRAINING

408.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

408.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

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408.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

408.3 POLICY

The Department receives primary Special Response Unit assistance from the Alameda County Sheriff's Office or Contra Costa County Sheriff's Office (refer to the Mutual Aid and Outside Assistance Policy). In some situations the use of federal, state, or local assistance may be used. All requests for Special Response Unit assistance shall be approved by a Police Captain or the Chief of Police.

408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

408.3.2 ORGANIZATIONAL PROCEDURES

This department may develop separate written procedures addressing the following:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(f) Command and control issues, including a clearly defined command structure.

(g) Multi-agency response.

(h) Out-of-jurisdiction response.

(i) Specialized functions and supporting resources.

(j) Tactical dispatch.

408.3.3 OPERATIONAL PROCEDURES

This department's operational procedure shall be in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SRU team members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

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(a) Designated personnel responsible for developing a risk analysis and an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

1. When possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist (risk analysis) to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether or not a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post incident scene management including:

1. Documentation of the incident (requiring case number).
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.

(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

(b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

(c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.

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(d) When appropriate, debriefing should include specialized units and resources.

(e) Sound risk management analysis.

(f) Standardization of equipment deployed.

(g) Forwarding copies of all documentation to the Office of the Chief through the chain-of-command.

408.4 TRAINING NEEDS ASSESSMENT

The SWAT/CNT Commander/Training Sergeant shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities department policy and the training guidelines as established by POST (11 C.C.R. §1081)

408.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SRU Commander. The SRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

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(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun/ rifle qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun/rifle. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the SRU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

408.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.5 UNIFORMS, EQUIPMENT, AND FIREARMS

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408.5.1 UNIFORMS
While performing SWAT team functions, the SWAT team members from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.5.2 EQUIPMENT
SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency. The department shall provide all necessary specialized equipment to members assigned to SWAT as appropriate for their position.

408.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

408.5.4 OPERATIONAL READINESS INSPECTIONS
The SRU Commander shall appoint a SRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SRU facility and equipment maintained or used in SRU vehicles.

408.6 MANAGEMENT/SUPERVISION OF SWAT
The Commander of the SWAT Team shall be selected by the Chief of Police upon recommendation of staff.

408.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Operations Division Commander, the SWAT team shall be managed by a lieutenant.

408.6.2 TEAM SUPERVISORS
The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant. The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the SRU Commander. The following represent the supervisor responsibilities for the SWAT Team.

The following represent the supervisor responsibilities for the Special Response Unit.

(a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team, which will include deployment, training, first line participation, and other duties as directed by the SRU Commander.

(b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SRU Commander.

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408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

408.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a letter of interest to their appropriate Division Commander. A copy will be forwarded to the SRU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will be appointed by the Chief of Police. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

408.7.2 TRAINING OF NEGOTIATORS

Those employees selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained members may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of two training days per year will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

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408.8.1 SELECTION OF PERSONNEL

Interested sworn personnel shall submit a letter of interest to their appropriate Division Commander via the chain of command, a copy of which will be forwarded to the SRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SRU Commander. The testing process will consist of an oral board, physical agility, psychological examination, SWAT basic handgun/rifle, and team evaluation.

(a) The oral board will consist of personnel selected by the SRU Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance;
2. Demonstrated good judgment and understanding of critical role of SWAT member;
3. Special skills, training, or appropriate education as it pertains to this assignment; and,
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT related duties. The test and scoring procedure will be established by the SRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) Psychological examination: Candidates will be sent to a psychological examiner for a psychological exam specific to a tactical team. The Personal and Training Sergeant will schedule the psychological exam. The Personnel & Training Unit will notify the applicant by mail of their appointment dates, times and locations. Upon successful completion of the psychological exam the candidate may be selected to continue in the selection process.

(d) SWAT basic handgun/rifle: Candidates will be invited to shoot the SWAT Basic Drill for the handgun/rifle and must meet team standards.

(e) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(f) A list of successful applicants shall be submitted to staff, by the SRU Commander, for final selection.

408.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team

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members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

A dismissed team member may apply for re-instatement to the SRU Commander, in writing, within 12 months of dismissal. This written request must address the issue of dismissal and include documentation justifying how the problem was rectified. Re-instatement will be at the recommendation of the SRU Commander, with input from the SRU Team Leaders. Final approval is at the discretion of the Chief of Police.

408.8.3 ANNUAL REVIEW

The Operation Captain or designee shall submit a written annual report describing the activities, deployments and needs assessment for the Unit.

408.9 OPERATION GUIDELINES FOR SPECIAL RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Special Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SRU Commander.

408.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Special Response Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the SRU Commander.

408.9.2 APPROPRIATE SITUATIONS FOR USE OF THE SPECIAL RESPONSE UNIT

The following are examples of incidents which may result in the activation of the SPecial Response Unit:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

408.9.3 OUTSIDE AGENCY REQUESTS

Advance requests by outside agencies for the assistance of the East Bay Regional Park District Special Response Unit must be reviewed and approved by the Operations Captain prior to mobilization, or in his/her absence by the chief of Police. Such requests will include the nature, degree, estimated length of deployment and other imperative information regarding the request as is necessary. This includes all pre-planned operations.

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Emergency, potentially life-threatening requests may be approved by the on-duty Watch Commander immediately and notification to the Operations Captain and Chief of Police will be made as soon as practicable by the Watch Commander or Communications Center.

EBRPD SRU participation in requests by allied agencies shall be done in conjunction with the allied agency Special Response Unit Team Leader or Tactical Commander. The EBRPD SRU Tactical Commander shall confer with the allied agency requesting assistance, and form a Unified Command prior to the team's deployment before deciding to respond EBRPD SRU members.

In the event one or more members of the SRU will be deployed in any capacity in response to an outside agency request, the Chief of Police will be notified as soon as practicable by the Watch Commander or SRU Tactical Commander.

CRITERIA: The criteria to be considered for responding to outside agency requests shall include one or more of the following:

(a) There is an articulable and demonstrable nexus between the request and criminal activities occurring on or within District lands or facilities;

(b) The suspect(s) being sought are known to be tied to or suspected of being tied to serious crimes occurring or have occurred within District lands or facilities and is one or more of the reasons the suspects are currently being sought; this should be supported with police reports, affidavits, search warrants or through information made available by allied agencies.

(c) There is a compelling and demonstrable training benefit to individual EBRPD SRU personnel for participating, after prior and ongoing evaluation by the SRU Tactical Commander. In such cases, individual personnel may be chosen to respond to an outside agency request based upon the particular nature of the call-out and/or that member's particular team assignment. Such assignment is subject to that member's availability and shall not impede regular District operations. A record entry will be made into the Training Module of the Records Management System, Employee Training Table, documenting the particular training for the particular team member received during the outside agency deployment. This will be completed by the supervisor of the particular deployment as soon as is practicable following deployment.

(d) Use or deployment of District equipment or specialty vehicles will occur in conjunction with outside agency requests only if there is a compelling reason which includes the need to deploy such equipment to ensure the safety of personnel involved, and only after it has been determined that similar allied agency equipment is unavailable.

Following all responses to outside agency requests a complete "Outside Agency Assist" incident report will be submitted in accordance to standard reporting procedures by a member of the responding team as directed by the SRU Tactical Commander or Team Leader. Dispatch shall enter the event as an "Outside Agency Assist" on the Daily Dispatch log.

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In the event an outside agency request for assistance results in injury to any person, any use of force, any damage to property, or any other exceptional circumstance, the SRU Tactical Commander shall complete an administrative memorandum and submit it to the office of the Chief of Police through the chain-of-command as soon as practicable. Complete documentation such as electronic recordings or photographs of injuries or damage will accompany the memorandum in accordance with normal investigatory policies and procedures described in this Policy Manual.

408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the East Bay Regional Park District Police Department SWAT team shall operate under the policies, procedures and command of the East Bay Regional Park District Police Department when working in a multi-agency situation.

408.9.5 MOBILIZATION OF THE SWAT TEAM

The On-Scene supervisor shall make a request to the Watch Commander for the Special Response Unit. The Watch Commander shall then notify the SRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the SRU Commander. The Watch Commander will then notify the Operations Division Commander as soon as practical.

The Watch Commander should advise the SRU Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SRU Commander or supervisor shall then call selected officers to respond.

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408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Response Unit, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.

2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the SRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the SRU Commander on the situation.

(g) Plan for, and stage, anticipated resources.

408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Response Unit at the scene, the Incident Commander shall brief the SRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SRU Commander, whether to deploy the Special Response Unit. Once the Incident Commander authorizes deployment, the SRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Special Response Unit . The Incident Commander and the SRU Commander (or his or her designee) shall maintain communications at all times.

408.9.8 COMMUNICATION WITH SPECIAL RESPONSE UNIT PERSONNEL

All of those persons who are non-Special Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Special Response Unit personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

408.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.6, 22.2.2, 33.6.1, 33.6.2, 46.2.1, 46.2.2, 46.2.3, 46.2.4

Effective: November 23, 2009

Revised: July 22, 2010; February 3, 2011; August 3, 2011; February 1, 2012; February 12, 2013; August 21, 2013; June 21, 2021

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Marijuana Interdiction

409.1 PURPOSE AND SCOPE

Outdoor marijuana cultivation on District property, and contract watersheds, is a recurring and serious law enforcement problem placing the general public and District staff at risk of physical harm as well as causing significant environmental damage to natural resources.

The policy of this department is to eradicate and discourage the cultivation of marijuana on public lands owned and operated by the District and the watershed lands of the agencies we contract for police services; as well as disrupt the drug trafficking operations which exploit these public lands for their monetary benefit. The Department recognizes the specialized training needed and the risk factors associated with the interdiction of growing operations. In the event members of this organization become aware of potentially complex or attended marijuana growing operations, officers should recognize the need to form a Special Detail to assess the situation in accordance with section 407 of this Policy Manual, including gaining intelligence, scouting, suppression, and interdiction. In the event information gained in a Special Operation or the initial information gives rise to a potential high-risk situation, section 408 of this Policy Manual shall become effective and the Special Response Unit shall be employed for a marijuana interdiction operation in accordance with established procedures of that Unit.

409.2 DEFINITIONS

Marijuana Interdiction - The process of gathering initial intelligence, performing reconnaissance to access the hazard level and pre-planning a tactical operation to make entrance to and eradicate an outdoor marijuana grow site(s) of suspects, plants, and hazards. Once tactically cleared, the operation will include maintaining a perimeter of the grow site for safe evidence recovery and plant removal and destruction.

The interdiction is the initial phase of returning a grow site to its natural state and may require further restoration including removal of debris, man-made water systems, hazardous pesticides and general waste by appropriate personnel.

409.3 LEVELS OF CAPABILITY

This section pertains to the level of operation of the Marijuana Interdiction. The level of response and risk analysis will be determined in accordance with section Policy 407 - Special Details.

409.3.1 LEVEL I RESPONSE

A level I RESPONSE has the capability to conduct operations with the following conditions:

- daytime operations only
- weather and season permitting
- has the training, resources and logistical support for ground only deployment, extraction and sustainment

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- for limited operational periods

409.3.2 LEVEL II RESPONSE
A level II RESPONSE has the capability to conduct operations with the following conditions:

- daytime operations only
- weather and season permitting
- has the training, resources and logistical support for ground only deployment, extraction and sustainment
- for limited operational periods
- with air support availability for observation and over watch

409.3.3 LEVEL III RESPONSE
A level III RESPONSE has the capability to conduct operations with the following conditions:

- daytime operations only
- weather and season permitting
- has the training, resources and logistical support for ground and air deployment, extraction and sustainment
- for extended operational periods
- with air support availability for deployment, extraction, sustainment, observation and over watch

409.3.4 LEVEL IV RESPONSE
A level IV RESPONSE has the capability to conduct operations with the following conditions:

- daytime operations only
- in all weather conditions year round
- has the training, resources and logistical support for ground and air deployment, extraction and sustainment
- for extended operational periods
- with air support availability for deployment, extraction, sustainment, observation and over watch

409.3.5 LEVEL V RESPONSE
A level V RESPONSE has the capability to conduct operations with the following conditions:

- 24/7 operations, day or night
- in all weather conditions year round

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- has the training, resources and logistical support for ground and air deployment, extraction and sustainment
- for unlimited operational periods
- with air support availability for deployment, extraction, sustainment, observation and over watch

409.4 POLICY

A determination as to the type and extent of operations appropriate to this Policy should be made. This assessment should consider the team's capabilities, training, and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

Any organizational procedures developed for this section shall be consistent with Policy 408 - Special Response Unit.

409.5 OPERATIONAL GUIDELINES

The following guidelines should be considered when planning a marijuana interdiction mission:

1. Designated personnel responsible for developing a risk analysis, scout plan, and an operational/ tactical plan, should have training specific to marijuana interdiction and/or rural patrol.

2. Because of the potential of remote location, difficult terrain, complication of weather and lack of communications in some areas of interdiction operations, the risk analysis, scout plans and operational/tactical plans should include the following:

a. Both Thomas Guide and topographical or satellite maps of the Area of Operation (AO)

b. NOAA weather forecast for 48 hours from estimated start time of operations

c. Air support plan developed in conjunction with the Air Support Unit, consistent with their SOP with designated pre-planned landing zones (LZs) in the area of operation (AO)

d. Terrain hazard potential and mitigation

e. Communications plan with redundancies and default standard operating procedure (SOP) if all communications are lost with a team deployed in the field

f. Navigation plan including where and how the team will insert and extract from the AO, length of time on location, and alternate extraction points and method if applicable

g. Worst case scenario planning for emergency extraction or hike out distance

h. Prior to any team deployment in the field, copies of the operational plan in physical or electronic form will be provided to the Captain, Watch Commander, Patrol Sergeant, Communications, SRU Commander, SWAT Team Leader and Air Support Unit.

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409.6 TRAINING

In addition to, and consistent with Policy 408, marijuana interdiction training should be conducted to insure it is within the capabilities of the team as well as best practices of law enforcement and POST guidelines. The specific training guideline shall be in accordance with POST and NTOA Standards as outlined in the EBRPD Police Department Master Training Plan.

409.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: May 24, 2012

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Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement and dispatch functions first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program, which includes ride-alongs in the Communication Center.

410.1.2 ELIGIBILITY

The East Bay Regional Park District Police Department Ride-Along Program is offered to residents, students and those employed within the District. 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
- Family members
- Dating relationship with an employee

410.1.3 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions established by the Chief of Police.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Training Sergeant. The participant will complete a ride-along form. Information requested will include a valid ID or California Drivers 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 Training Sergeant will schedule a date, based on availability.

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.

This program does not apply to the Air Support Unit.

410.2.1 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: Public Safety Student Aides, Police

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Volunteers (VTSP), Chaplains, Reserves, police and dispatch applicants, and all others with approval of the Watch Commander.

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 or the Communication Center at a given time.

Ride-along requirements for Public Safety Student Aides are covered in the Public Safety Student Aide Policy.

410.2.2 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, Communications and Records Manager or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 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 or dispatcher (provided that the ride-along is not an employee of the East Bay Regional Park District Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

410.3 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.

410.4 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:

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(a) The ride-along will follow the directions of the officer or dispatcher

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police or communications equipment

(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

410.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: March 2005; July 1, 2008; November 1, 2008; March 30, 2009; August 21, 2013; July 27, 2015; January 31, 2017; June 26, 2018

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.1.2 INCIDENT COMMAND RESPONSIBILITY

The East Bay Regional Park District Chief of Police has delegated incident and scene command to the on-duty Police and Fire Command Officers in all Hazardous Materials Spills and incidents within the District boundaries.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

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412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee Accident Report Form that shall be forwarded via Chain of Command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

Supervisors shall review the Employee Accident Forms and forward a copy to the Risk Manager. The supervisor shall ensure that a copy of the report is delivered within 24 hours. A copy of the report should be faxed to the District's Worker's Compensation Claims Administrator.

412.4 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.2.4, 61.2.1, 61.2.2

Effective: January 2004

Revised: November 1, 2008; March 30, 2009; May 6, 2009, February 3, 2011; August 3, 2011

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Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

(a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

(b) Unlawfully held against his/her will under threat or actual use of force.

414.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

(b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Response Unit (SRU) response if appropriate and apprising the SRU Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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(h) Ensure adequate law enforcement coverage for the remainder of the District during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

414.6 SRU RESPONSIBILITIES

The Incident Commander will decide, with input from the SRU Commander, whether to deploy the SRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SRU. The Incident Commander and the SRU Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

414.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.2.4

Effective: January 2004

Revised: November 1, 2008; March 30, 2009; August 21, 2013; February 27, 2014; July 27, 2015; June 26, 2018

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Response To Critical Incidents And Planned Operations

415.1 PURPOSE AND SCOPE

This procedure establishes criteria for assessing risk factors at critical incidents and assessing potential risk factors for planned operations. The Critical Incident Risk Analysis form and the Planned Operation Risk Analysis form provide an objective means for evaluating the need for tactical resources. This evaluation will determine if the mission requires consultation with Special Response Unit Tactical Leaders or if Special Response Unit resources are required to respond.

415.1.1 PROCEDURE

Supervisors, Watch Commanders and other Command Officers will use the following procedures when responding to Critical Incidents or planning an operation involving a search warrant or arrest warrant.

415.2 CRITICAL INCIDENTS

When confronted with a critical incident and as soon as practical, the Incident Commander shall evaluate the situation by using the Critical Incident Risk Analysis form. This evaluation consists of assessing the situation with the information available to the personnel at the time. Enter the numerical value for each item on the form applicable to the incident. Add all of these values to arrive at an overall risk factor. The values and associated risk may increase or decrease as the incident evolves. Therefore, the evaluation of the incident should be ongoing. Total values below 10 points indicate a relatively low overall risk factor. Total values between 10 and 14 points indicate a moderate overall risk factor. Total values above 15 points indicate a high risk factor and the Special Response Unit may be called in after consultation with the SRU Commander or his/her representative. Special Response Unit Leaders are available to assist the Incident Commander in any critical incident regardless of the risk factor and should be consulted before activating a call in.

415.2.1 SPECIAL RESPONSE UNIT LEADERS

The Special Response Unit Commander, Assistant Commander, and Team Leaders are designated for consultation during a critical incident or mission planning. The managers, supervisor's or officers assigned to these positions can be located by accessing " SI SWAT" in the Department's CAD/RMS computer. Communications has access to this information.

415.2.2 DEFINITIONS AND DESCRIPTION-CRITICAL INCIDENT FORM

The Critical Incident Risk Analysis form is organized into three basic categories to facilitate on scene evaluation. The categories are Suspect Information, Threat Conditions, and Incident Site Information.

(a) **Suspect Information**

1. Number of Suspects

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2. Crime Committed: This category indicates the crime or crimes committed by the suspect. Indicate the highest single value of the crime committed. For example, if the suspect committed a 245 P.C. while committing a burglary, only indicate the value for the 245 P.C.

3. Mental Condition: This category indicates the mental condition of the suspect during the course of the incident.

    (a) Under the Influence: Generally suspects under the influence of stimulants present a greater risk in circumstances of a critical incident. If the suspect is under the influence of a stimulant indicate this as a risk factor. Use the Other category for other drug and\or alcohol use.

    (b) 5150: If the suspect is a Danger to Others indicate this as a risk factor.

4. Suspect History: Indicate the suspect's prior history for serious assaults or violent felonies.

(b) **Threat Conditions**

(a) Weapons Used or Access to by Suspect: Indicated the highest value of the type of weapon used or accessible to the suspect. If the suspect's rifle is scoped, add an additional two points to the risk value.

(b) Hostage/Potential Victims: If the suspect is holding known hostages increase the risk value by four points for each hostage. If other citizens are at the same location as the suspect and could become victims, add one additional point for each known citizen.

(c) On Scene Violence: On scene violence indicates the police were present when the violence occurred. This could be the precipitating incident such as a police officer assaulted or injured by the suspect or the violence could occur after the police have arrived at the suspect's location. For example, police contain a suspect and the suspect fires shots at the police or others.

(d) Communication with Suspect

    (a) No Communications: If there is no communication between officers and the suspect, indicate a risk factor of one point. In most critical incidents the risk factors will increase or decrease when communication is established with the suspect and additional information is obtained.

    (b) Demands: If the suspect is communicating with the police and making demands indicate a risk factor of three points. The suspect could be demanding that the police withdraw or asking for items for their advantage.

    (c) Threats to Police/Others: When the suspect has made threats to the police or others, either verbally or by the suspect's actions, indicates a risk factor

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of three points. For example, the suspect could brandish a weapon or threaten to harm police officers or other citizens.

(c) **Incident Site Information**

1. Suspect Location: Indicate the present location of the suspect and assign the appropriate risk value.
2. Evacuation Required: If the suspect presents a threat to other citizens, which require evacuation, indicate the appropriate risk factor. Evacuations of schools, business and apartment complexes generally have a greater associated risk factor.
3. Suspect's Position
   (a) Suspect Barricaded: A suspect may be considered barricaded when they refuse to exit their location and comply with the directions of officers. In these circumstances the suspect should be aware of the police presence and the request for him or her to exit. For example, if officers use a bull horn to direct the suspect to exit and there is no response within 30 minutes, the suspect can be considered barricaded.
   (b) Observation of Police/Others Movements: In this situation the suspect has obtained some tactical advantage due to their ability to observe and therefore restrict police movements or evacuations.

415.3 PLANNED OPERATION

Officers and Supervisors who are planning an operation which involves a search warrant or arrest warrant shall evaluate the potential risks of the operation by using the Planned Operation Risk Analysis form. The supervisor of the operation is responsible for this evaluation.

The evaluation consists of assessing the situation and checking the risk factors on the form by indicating their numerical value. The addition of all these values will determine the overall risk factor. Total values below 14 points indicate a relatively low overall risk factor. Total values between 14 and 17 points indicate a moderate overall risk factor. Total value above 17 points indicates a high risk factor and the Special Response Unit may be used to conduct the entry or arrest after consultation with the SRU Commander or his/her representative. Special Response Unit leaders are available for consultation for all planned operations regardless of the overall risk factor and should be contacted before activating the unit. If warranted, an Operational Plan will also be completed using the standard department format and disseminated in accordance with Policy §407.4.

415.3.1 DEFINITIONS AND DESCRIPTIONS - PLANNED OPERATION FORM

The Planned Operation Risk Analysis form is organized into three basic categories to facilitate evaluation. These categories are Suspect Information, Threat Conditions, and Incident Site Information.

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(a) **Suspect Information**

1. Number of Suspects.
2. Crime Committed: This category indicates the crime or crimes committed by the suspect for which the search warrant or arrest warrant is authorized. Indicate the highest single value of the crime committed. For example, if the suspect committed a felony assault while selling narcotics, only indicate the assault on the Risk Analysis form.
3. Suspect History: Indicate the suspects history for serious assaults or violent felonies. Also indicate if the suspect is associated with any gangs or has police or military background which might increase the risk factor of the operation.
4. Suspect's Mental Condition: If the suspect is a known drug user of stimulants and is likely to be under the influence indicate this as a risk factor. If the suspect has made recent threats to use violence against the police if confronted, or if the suspect is paranoid and likely to arm himself if confronted by the police, indicate the appropriate risk factor.

(b) **Threat Conditions**

1. Weapons Used or Access to by Suspect: Indicate the highest value of the type of weapon used or carried by the suspect or weapons which the suspect has immediate access to.
2. Counter Surveillance: Counter surveillance creates tactical problems for entries into structures and the arrest of suspects. Indicate the appropriate risk factor for counter surveillance. The suspect may have more than one counter surveillance measure.
   (a) Cameras: Indicate if cameras are positioned that will alert the suspect of the police approach to the incident site or any breaching point.
   (b) Police Scanners: Indicate if the suspect has police scanners which would compromise radio communications.
   (c) Dogs: If the suspect has dogs present which would alert the suspect or present a threat to police officers indicate this as a risk factor.
   (d) Counter Surveillance Armed/Unarmed: Armed counter surveillance are associates of the suspect who are likely to confront police during the arrest or service of the search warrant. Both armed and unarmed counter surveillance are formal look outs for the suspect who will alert the suspect to the presence of police and take actions to evade or obstruct the police.
   (e) Number of Occupants or Associates: This risk factor refers to people who are likely to be in the structure targeted for warrant service. Add one point for each subject.

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(c) **Incident Site Information**

(a) Location: Different structures will present unique tactical problems for entries. Indicate the type of structure involved, Commercial, Apartment complex, Single family, or Vehicle.

(a) Rural: These locations are surrounded by open land. A rural location can present terrain and approach difficulties where vehicle and pedestrian traffic is generally limited to the occupants of the incident site.

(b) Approach: This category refers to the approach to the incident site by police officers during the execution of the mission.

(a) Observation of Police Movement to Site: If the suspect is in a position to observe police movement to the objective site indicate the appropriate risk factor. This does not include surveillance measures in place by the suspect. Indicate this category separate of the counter surveillance category.

(b) Associates/Friends/Relatives Around Site: This category refers to people who frequent the incident site or area and will alert the suspect of police presence. They are loosely formed and will act as look outs as opposed to a formal counter surveillance listed above.

(c) Breaching: Breaching refers to the point of entry by police into the incident site. It usually involves defeating locked, barricaded or fortified doors and windows.

(a) Door/Windows Fortified: Indicated this as a risk factor if the suspect has fortified doors and/or windows in an attempt to slow or prevent entry into the structure.

(b) Structural Obstacles to Breaching: This category refers to situations where structural obstacles would interfere with normal or routine breaching techniques. For example, the structure may have a narrow porch or hallway preventing officers from swinging a battering ram or sledge hammer.

415.4 CRITICAL INCIDENT RISK ANALYSIS FORMS

Critical Incident Risk Analysis Forms shall be maintained and utilized by Field Supervisors, Watch Commander's, and Special Response Unit leaders. The factors listed in Policy § 415.3.1 and on the Critical Incident Risk Analysis Forms shall be considered prior to activation of the Special Response Unit.

415.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: 46.1.1, 61.2.1

Effective: November 23, 2009

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Response To Critical Incidents And Planned Operations

Revised: August 3, 2011; October 30, 2014

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the East Bay Regional Park District Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

416.1.1 ORGANIZATION AND OPERATION

The response to a bomb or explosive device can by its magnitude and danger be considered a "Critical Incident". If the response, evacuation or management of the call is significant it should be organized and operated in accordance with the "All-Hazard Plan" utilizing the structure of the Incident Command System (ICS) in accordance with this Manual.

416.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 EAST BAY REGIONAL PARK DISTRICT POLICE DEPARTMENT FACILITY

If the bomb threat is against the East Bay Regional Park District Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

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416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the East Bay Regional Park District Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

416.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the District of East Bay Regional Park District, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

416.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the

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safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

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(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

416.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

416.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

416.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services

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- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

416.7.3 CROWD CONTROL
Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

416.7.4 PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.2.4, 46.1.3

Effective: January 2004

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Search and Rescue

417.1 PURPOSE AND SCOPE

The following policy will establish guidelines for search and rescue incidents. The East Bay Regional Park District Police Department recognizes that search and rescue is often an unfolding emergency response and will therefore work cooperatively with other divisions and agencies, as needed, to ensure both a timely and adequate response to all incidents involving lost or missing persons.

417.2 DEFINITIONS

Volunteer Trail Safety Patrol (VTSP) Search and Rescue (SAR) - is a group of trained Trail Safety Patrol volunteers who supplement and support, rather than supplant, sworn officers and civilian personnel. The VTSP SAR may be utilized for basic search and rescue duties under the supervision of sworn staff.

Agency Assistance - Means a less formal assistance to or from a local outside agency of personnel and/or agency resources.

Mutual Aid - Is a formal request for assistance to a law enforcement agency of personnel and/ or agency resources. Such a request would normally be associated with some type of large scale emergency and is coordinated through Alameda County or Contra Costa County Sheriff's Office.

417.3 RESPONSE

(a) During a Search and Rescue operation, the first East Bay Regional Park District employee on the scene will be the initial Incident Commander (IC).

(b) As the incident develops, the IC must consider the need for additional resources appropriate for the particular demands of the incident. When needed, and/or in cases where the search area extends beyond the jurisdictional boundaries of the East Bay Regional Park District, a unified command should be established. The unified command of the search operation should include representatives from all agencies with jurisdictional authority over the incident area.

(c) The on-duty Watch Commander is charged with the initial responsibility for efficient management of Search and Rescue incidents occurring within the East Bay Regional Park District jurisdiction. Most incidents will utilize the Incident Command System (ICS). The Watch Commander may elect to transfer command to another qualified individual as the incident develops. The IC is responsible for the overall scene management and documentation.

417.4 INITIAL RESPONSE TO POTENTIAL SEARCH AND RESCUE INCIDENTS

(a) Until located, the possibility of the subject being injured, sick or in need of prompt medical assistance must be recognized. Time and weather might make any search

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an emergency and may destroy clues, further concealing the location of the subject. Some level of Search and Rescue response should be made for every missing person or overdue party. At a minimum, information should be taken to record:

1. Subject(s) identity and description.
2. Last known point or place last seen.
3. Circumstances causing the subject to be reported lost or missing.
4. Any search urgency factors that may be present.

(b) The individual patrol personnel assessing the need to search will interview the reporting party. If the initial interview was conducted by a person other than sworn personnel, the officer will be briefed on arrival at the scene, when feasible, and will conduct a brief inspection of the immediate area. If the initial check is unsuccessful, the officer will notify a supervisor for the potential need of a search and rescue operation.

1. The on-duty Watch Commander may be updated regarding the situation by the officer or supervisor.
2. The supervisor will confer with the officer at the scene and evaluate search urgency.
3. The Watch Commander will approve mobilization of a Level 3 or Level 4 Search and Rescue response if appropriate.

There are no statutory laws that require you to rescue someone if conditions are too dangerous.

417.5 DETERMINING SEARCH URGENCY

The relative urgency of a reported situation should be assessed as early as possible. A combination of factors is considered to determine response nature and level. The following factors should be considered and evaluated by the responding officer and/or supervisor:

(a) Age: very young or very old increase the urgency

(b) Medical/mental Condition: Known or suspected injured or ill persons, mental illness, intoxicants, general health

(c) Number of subjects: alone, more than one (unless separation suspected)

(d) Subject's Experience: knowledge and familiarity with environment

(e) Weather Profile: past, existing, or predicted hazardous weather including temperature

(f) Subject's Preparedness: adequacy of subject(s) preparedness for weather and terrain

(g) Hazards and Terrain: known hazards and terrain considerations

417.6 LEVEL OF RESPONSE

The following levels of response may be considered:

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(a) Level 1 - Initial Investigation

1. Calls for overdue persons with no extenuating circumstances that would lead one to believe the subject was in jeopardy.
2. Patrol personnel interview the reporting party and record information which may be used if the overdue person is not located quickly. Areas where the person was last seen should be quickly checked, travel routes and destinations verified.
3. Dispatch is notified.
4. The assistance of park personnel may be appropriate

(b) Level 2 - Hasty Search (to quickly check the most obvious places a subject might be)

1. A subject is reported lost or missing and there is some element of search urgency (subject profile, weather, subject preparedness, or search area) that causes personnel to begin an active "hasty search"
2. Patrol personnel utilize resources available in the immediate area to do a hasty search for the subject.
3. Dispatch is notified.
4. The assistance of park personnel, additional Department personnel including the Air Support Unit and/or Marine Unit as well as fire or medical personnel may be appropriate.

(c) Level 3 - Search

1. Circumstances dictate a larger or more highly trained response is required. The subject was not located during the initial and hasty searches and thus larger areas must now be searched. One or more search urgency factors may have been discovered.
2. May require persons with special skills.
3. Dispatch is notified
4. Watch Commander should be notified.
5. This level of response includes level 1 and 2 responders plus possible additional responders from outside agencies and the Volunteer Trail Safety Patrol SAR.

(d) Level 4 - Extended Search

1. Quickly locating the subject(s) is critical. Several search urgency factors may be affecting the search strategy.
2. Many SAR personnel are needed to quickly accomplish the search mission. This level includes the resources from levels 1, 2 and 3 and the possible addition of mutual aid SAR responders. An OES mission may also be initiated. Search and

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Rescue Mutual Aid may be requested through the Law Enforcement Division of Cal EMA.

3. Dispatch is notified.
4. Watch Commander approval is needed.
5. A thorough search should be used only as a last resort.

All personnel involved will assemble at the location designated by the IC.

417.7 POST SEARCH AND RESCUE RESPONSE

(a) A search operation may be suspended or terminated at the IC's discretion when any of the following have occurred:

1. The lost or injured subject(s) is located, transported, and all Search and Rescue personnel are accounted for.
2. All reasonable efforts have been expended to locate the subject without success.
3. Conditions in the search area are too hazardous for personnel to continue.
4. Investigation provides information that the subject is not in the area being searched.

(b) The IC may elect to scale down the search operation and transition from active searching in the field to a passive search. The passive search operation should concentrate on developing investigative clues as to the subject's location.

(c) For short term operations and those with relatively few complications the IC will determine the level of discussion and review necessary.

(d) Search and Rescue incidents involving one or more stressful situations such as fatalities or serious injury, prolonged periods of exposure, extremely emotional relatives of subject, exposure to high risk situations and extended operations may lead the IC to initiate a Critical Incident Stress Debriefing.

(e) If a Critical Incident or Post Incident debriefing/critique is warranted, all individuals that participated in the operation should be urged to participate.

417.8 DOCUMENTATION

All level 3 and 4 Search and Rescue incidents shall be documented in an Incident report. Level 1 and 2 Search and Rescue incidents shall be documented to the extent determined by a supervisor.

417.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 46.2.5

Effective: September 17, 2012

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Mental Illness Commitments

418.1 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).

418.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

418.3 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

418.3.1 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) Arrange to 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, if appropriate.

418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

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(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

418.4.1 INTERVIEWS & INTERROGATIONS

Members will afford every individual investigated, interviewed, or interrogated their constitutional rights. An individual's constitutional rights are not diminished because of his/her mental illness.

When administering the Miranda warnings, members should make every effort to determine the extent to which the person's illness, or the psychotropic medication that he or she is taking to treat the illness, impairs his/her ability to comprehend and give informed consent.

When members doubt a person's capacity to understand his/her rights, they will ask the person to explain each of the Miranda warnings in his/her own words and make a record of the person's explanations. If the member believes that the person does not have an understanding of his/her rights, questioning of the person related to the criminal investigation should cease.

If possible, the individual should be questioned in a calm setting, free from distraction. Members should ensure the person has access to water, food, restroom facilities, and prescribed medications, as needed.

418.4.2 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

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418.5 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, supervisor approval is required before transport commences.

418.6 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.

418.7 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.

418.7.1 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.

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(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).

418.8 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.

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.

418.9 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

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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).

418.9.1 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 Investigative Unit, 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.

418.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Documented refresher training shall be conducted annually.

418.11 APPLICABLE STANDARDS AND DATES

CALEA Standard: 41.2.7, 70.2.1, 70.3.1, 70.3.3

Effective: January 2004

Revised: March 2005; May 23, 2006; November 1, 2008; July 1, 2008; May 6, 2009; November 23, 2009; July 22, 2010; August 3, 2011; February 27, 2014; July 27, 2015; July 25, 2016; January 31, 2017; September 20, 2017; March 27, 2019; July 10, 2023

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Cite and Release Policy

420.1 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.

420.2 POLICY

It is the policy of the East Bay Regional Park District 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.

420.2.1 ALTERNATIVES TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the District, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the District should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers should consider available criminal justice or social service diversion programs and other known alternatives when appropriate. Those may include:

- Mental health services
- Detox center
- Crisis resolution/mediation

Officers are also authorized to use verbal or written warnings to resolve traffic and criminal violations when appropriate.

420.3 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).

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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.

420.3.1 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.

420.3.2 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.

420.4 NON-RELEASE

420.4.1 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)

420.4.2 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

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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.

    (a) The East Bay Regional Park District Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, 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.

(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.

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(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 Unit.

420.4.3 PROCEDURE FOR CITATION RELEASE ON MISDEMEANOR WARRANTS
Release on citation for misdemeanor warrants shall be done by the following procedure:

(a) Dispatch

1. Confirm that the warrant is citable with the agency that holds the warrant.
2. Obtain a court date, department number and time the subject should be cited into.
3. If the court is outside Alameda or Contra Costa counties, obtain the address of the court that the subject should be cited into.

(b) Patrol

1. Complete a hand written Notice to Appear.
2. In the violation box, write in the offense that the warrant is issued for and the warrant number.
3. If the court the suspect is to be cited into is different than any of the courts listed on the Notice to Appear, write in the court information.

(c) Records

1. Process the Notice to Appear and forward it to the respective court.

420.5 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.

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(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

420.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the East Bay Regional Park District District codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigative Unit for further action including diversion.

420.7 REQUESTING CASE NUMBERS

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 he/she feels the situation should be documented more thoroughly in a case report.

420.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.1.3, 1.2.6, 1.2.7, 44.2.1, 82.2.2

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; November 1, 2008; March 30, 2009; July 22, 2010, February 3, 2011; August 3, 2011; July 27, 2015; May 18, 2016; March 27, 2019; June 28, 2022; July 10, 2023

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Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the East Bay Regional Park District Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The East Bay Regional Park District 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.

422.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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422.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

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422.5 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.

422.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

422.7 APPLICABLE STANDARDS AND DATES

CALEA Standard: 1.1.4

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; November 1, 2008; July 1, 2008, February 3, 2011; August 3, 2011; February 27, 2014; July 27, 2015

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Rapid Response and Deployment

424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

424.2 POLICY

The East Bay Regional Park District Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

424.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, 40mm launchers, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.4.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

424.5 NOTIFICATIONS

When an active threat occurs the Communications Center staff shall ensure the following notifications are made:

(a) Watch Commander

(b) Operations Captain

(c) Chief of Police

In a rapidly evolving situation the following notifications may be made at any time by the Watch Commander:

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(a) Special Response Unit

(b) District Major Incident Notification

(c) Public notification for awareness and safety

1. This notification may be made through the Public Affairs representative, directly through the media, social media, text alerts and/or direct public contact.

2. The level of urgency will determine which method(s) of notification is utilized.

(d) Notification of additional public safety departments and other resources

1. Allied agencies may also be utilized for public notification with the approval of the watch commander.

424.6 CONTAINMENT AND SHELTERING

Containment of the situation should be a primary objective and will require departmental coordination, possible assistance from other agencies, and potentially a mutual aid request.

In the event that public sheltering is required, the jurisdictional city and/or county shall be contacted for assistance as needed.

424.7 PLANNING

The Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

424.8 ANNUAL REVIEW

A documented annual review of this policy and training needs pertaining to active threats shall be made by the Operations Captain.

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424.9 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, 40mm launcher, breaching tool and control device training.

1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

424.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 46.1.10

Effective: January 2004

Revised: May 23, 2006; February 18, 2010; August 3, 2011; February 27, 2014; January 31, 2017; December 5, 2017; July 10, 2023

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Immigration Violations

428.1 POLICY

The responsibility for enforcement of civil immigration laws rests with the U.S. Immigration and Customs Enforcement. Members of the East Bay Regional Park District Police Department will not initiate police action where the primary objective is to discover that the person is an undocumented immigrant or to discover the status of the person under civil immigration laws. Otherwise law-abiding, undocumented immigrants should not fear arrest or deportation for coming forward to members of the East Bay Regional Park District Police Department to report a crime as a victim or a witness. At the same time, the Department will continue to cooperate with the U.S. Immigration and Customs Enforcement in matters involving serious crimes, the protection of public safety, and as required by statute, federal regulation, or court decisions.

428.1.1 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.

428.2 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the East Bay Regional Park District Police Department relating to immigration and interacting with federal immigration officials.

428.3 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.

428.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

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428.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)
Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

428.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

428.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

428.5.1 SUPERVISOR RESPONSIBILITIES
When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

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428.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

428.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

428.7.1 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.7.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigative Unit supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Unit Policy).

428.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Unit supervisor assigned to oversee the handling of any related case. The Investigative Unit supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

428.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (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.

428.8.2 REPORTING TO LEGISLATURE

The Investigative Unit supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

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428.8.3 POLICE REPORTS
Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

428.9 TRAINING

The Training Sergeant should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

428.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: March 2005; May 23, 2006; November 1, 2008; March 30, 2009; February 18, 2010; August 3, 2011; February 1, 2012; October 30, 2014; July 27, 2015; May 18, 2016; January 31, 2017; May 24, 2017; June 28, 2018; March 27, 2019; September 12, 2019; March 31, 2020; October 7, 2020; July 10, 2023

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Emergency Utility Service

430.1 PURPOSE AND SCOPE

The District Maintenance Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.2 BROKEN WATER LINES

Water lines within the East Bay Regional Park District are maintained by the Maintenance Department in conjunction with local water utility. The local water utility's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to a district residence or district land is the Maintenance Department's responsibility. The local water utility may only turn off the valve at the meter. The maintenance department or park staff can normally accomplish this. If the break requires immediate action to prevent damage to property or others and the maintenance department is unable or unavailable to turn off the valve, the Fire Department shall be notified.

If a break occurs on the on the local water utility side of the meter, the local water utility should be called as soon as practical by the Communications Center.

430.1.3 ELECTRICAL LINES

East Bay Regional Park District 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. Pacific Gas & Electric or the Maintenance Department should be promptly notified, as appropriate.

430.1.4 RESERVOIRS, PUMPS, WELLS, ETC.

Maintenance and water utility maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible

430.1.5 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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430.3 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: August 22, 2008

Revised: November 1, 2008; March 30, 2009

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Aircraft Accidents

434.1 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.

434.1.1 ORGANIZATION AND OPERATION

The response to an aircraft accident can by its magnitude and danger be considered a "Critical Incident." If the response, evacuation, aid to injured or management of the call is significant it should be organized and operated in accordance with the "All-Hazard Plan" utilizing the structure of the Incident Command System (ICS). See §206 of this Manual.

434.1.2 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

434.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.3 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).

434.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

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Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

434.5 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)

434.6 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.

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434.7 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.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION

All aircraft accidents occurring within the District of East Bay Regional Park District 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 EBRPD PD members deployed to assist; other District resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

434.8.1 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.

434.8.2 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.

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(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.

434.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

434.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 46.1.2, 46.1.3

Effective: August 22, 2008

Revised: March 30, 2009, February 3, 2011; July 27, 2015; May 24, 2017

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Police Department

Field Training Officer Program

436.1 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 East Bay Regional Park District Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

436.2 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.

436.2.1 SELECTION PROCESS

Refer to Policy §1003 - Specialty Assignment Process for basic qualifications and selection process. In addition, the following criteria will be considered for the FTO specialty assignment:

(a) Desire to be an FTO

(b) Patrol experience

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Evaluation by supervisors and current FTOs

(f) Possess a POST Basic certificate

436.2.2 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.

436.3 FIELD TRAINING OFFICER PROGRAM COORDINATOR

The FTO Program Coordinator should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

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The responsibilities of the FTO Program Coordinator include the following:

(a) Assignment of trainees to FTOs

(b) Conduct FTO meetings

(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

The FTO Program Coordinator 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)).

436.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the East Bay Regional Park District Police Department who has successfully completed a POST approved Basic Academy.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

436.5.1 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 East Bay Regional Park District Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the East Bay Regional Park District Police Department.

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436.5.2 ROTATION OF ASSIGNMENT DURING TRAINING
During the training program the trainee shall be exposed to many facets of the department and to several styles of training. The entry level trainee shall spend time with at least three different FTOs and the lateral trainee with at least two FTOs to provide exposure to the variety of duties and tasks most frequently performed by officers.

436.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Observation Reports and forward them to the Field Training Officer Program Supervisor.

436.6.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR
The Field Training Officer Program Supervisor will review and approve the Daily Observation Reports submitted by the Field Training Officer through his/her immediate supervisor, and distribute to the Command Staff.

436.6.4 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.

436.7 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 (DOR's)

(b) End of phase evaluations

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training signed by the Chief of Police.

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436.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 33.4.2, 33.4.3, 33.6.1

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Police Department

Obtaining Air Support

438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) 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.

438.3 APPLICABLE STANDARDS AND DATES

CALEA Standards: 2.1.3

Effective: May 23, 2006

Revised: November 1, 2008; July 1, 2008

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Contacts and Temporary Detentions

440.1 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.

440.1.1 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.

440.2 POLICY

The East Bay Regional Park District 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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440.2.1 CONSENSUAL ENCOUNTER/CONTACT
A consensual encounter is a contact between an officer and an individual which is strictly voluntary and where the person remains free to leave or not cooperate. If the encounter remains voluntary, and the officer deems necessary, a Field Interview card may be completed.

440.3 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 East Bay Regional Park District Police Department to strengthen community involvement, community awareness, and problem identification.

440.3.1 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

440.3.2 FIELD INTERVIEW - CONSENSUAL ENCOUNTER
Nothing in this section precludes an officer from completing a Field Interview card during a consensual encounter.

440.4 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.

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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.

440.5 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.

440.5.1 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 record consent on a body worn camera.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer’s reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

440.5.3 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.

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If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the 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 Unit.

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.

440.5.4 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.

440.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by East Bay Regional Park District 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.

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440.7 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and East Bay Regional Park District Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or East Bay Regional Park District Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or East Bay Regional Park District Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved East Bay Regional Park District Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

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The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

440.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.3, 1.2.4, 1.2.7, 82.3.5, 83.2.2

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; November 1, 2008; July 1, 2008; March 30, 2009; May 6, 2009; February 18, 2010; July 27, 2015; September 12, 2019

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Criminal Organizations

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the East Bay Regional Park District Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

Criminal/Gang Intelligence Coordinator - A sworn officer who has been appointed by the Operations Captain and has fulfilled the requirements as defined in Policy section 1003 Specialty Assignment Process.

Criminal Intelligence Supervisor- The supervisor responsible for the Criminal and Gang Intelligence functions shall be the Investigations Unit Sergeant.

442.2 POLICY

The East Bay Regional Park District Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

442.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

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442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained are appropriately marked as intelligence information. The Criminal/Gang Intelligence Coordinator may not purge such documents without the approval of the designated supervisor.

442.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the

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written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

442.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the Criminal/Gang Intelligence Coordinator(s) responsible for consideration of criminal intelligence system entries.

442.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible Criminal/ Gang Intelligence Coordinator(s).

(b) Should not be originals that would ordinarily be retained by the Records Unit or Property and Evidence Unit, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

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The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

442.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

442.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

442.7 CRIMINAL STREET GANGS

The Investigative Unit supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).

2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.

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3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

442.8 TRAINING

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

442.8.1 SHARED GANG DATABASE TRAINING

The Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

442.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 40.2.3

Effective: January 2004

Revised: March 2005; November 1, 2008; July 1, 2008;March 30, 2009; February 18, 2010; September 17, 2012; February 27, 2014; July 27, 2015; January 31, 2017; June 26, 2018; September 12, 2019; June 28, 2022

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Watch Commanders

444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

444.2 DESIGNATION AS ACTING WATCH COMMANDER

When an Operations Division Lieutenant is on-duty he or she is the Watch Commander. When a Lieutenant is unavailable for duty, the on-duty senior sergeant shall be designated as the acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits. In addition, when a Patrol Supervisor becomes aware of an incident or responsibility that arises wherein the Watch Commander is responsible to act or make a decision, the Patrol Supervisor has the authority and duty to act in that role until relieved by the on-duty Lieutenant.

When a Sergeant is unavailable for duty as Watch Commander, a designated acting supervisor shall be assigned as acting watch commander.

444.3 FULL TIME WATCH COMMANDERS

The full time Watch Commander position will normally be filled by a permanent lieutenant. Assignment to the Watch Commander position will normally be on a two-year rotation.

444.4 PRIMARY FUNCTION OF FULL TIME WATCH COMMANDERS

(a) To protect the East Bay Regional Park District and its employees from civil and criminal liability and exposure by the following activities:

1. Ensure compliance to the rules and regulations of the department
2. Ensure adequate staffing of patrol areas and dispatch center are adequate 24 hours per day seven days per week
3. Monitor radio traffic at all times to determine that there is a high level of service delivery and efficient use of District resources
4. Monitor helicopter operations to ensure they are in compliance with the District's Mission and mutual aid protocols
5. Ensure compliance to mutual aid agreements, contract policing agreements, and county protocols for officer involved major incidents
6. Ensure strict adherence to the provisions of the Employee Contract

(b) To provide Command-Level Presence during times of peak law enforcement activity within the district seven days per week

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(c) To be available as a resource and spokesperson for the department for media inquiries, outside agency requests, operations managers and other public service agencies as it relates to patrol functions and major incidents

444.5 APPLICABLE STANDARDS AND DATES

CALEA Standard: 11.3.1

Effective: January 2004

Revised: November 1, 2008; May 1, 2009, August 3, 2011

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Mobile Audio/Video

446.1 PURPOSE AND SCOPE

The East Bay Regional Park District Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

446.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile/Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

446.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to use mobile audio/video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

446.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only East Bay Regional Park District Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

446.4 ACTIVATION OF THE MAV

Officers shall manually power on the camera and log on to the system at the beginning of their shift.

The MAV may be activated manually by the operator either by the system controls or the individual camera.

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The MAV has the ability to record images through the windshield camera to view in front of the vehicle or through the rearward facing camera to capture images from the rear seat of the vehicle (prisoner area). The audio recording feature captures audio from the portable microphone when the front is in use and from the mounted back seat microphone when the rear is engaged.

446.4.1 AUTOMATIC ACTIVATION OF THE MAV

The camera will automatically begin recording when any of the following conditions exists:

(a) The light bar control is placed in the second position (forward facing red lamp, rear facing flashers) and will continue to record if the light bar control is moved to the third position

(b) The light bar control is placed in the third position

(c) The inertia switch is activated when the vehicle is involved in a traffic collision

446.4.2 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system shall be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call
13. Automatic activation as determined by system settings

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(b) All self-initiated activity in which an officer would normally notify the Dispatch Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

(f) Activation of the rear passenger compartment camera upon placing anyone in the rear compartment as a result of a detention or intended transport to jail.

446.4.3 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

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).

446.4.4 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

446.4.5 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor or crime scene investigator properly downloads the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

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446.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law or authorized by the Chief of Police.

The purpose of the in-car audio and video recordings is to capture and preserve an accurate record of certain police contacts and activities.It is not the policy of the East Bay Regional Park District Police Department to routinely review in-car audio and video information without reason.

All data for this system, including video that is stored on the digital storage system, is considered confidential and for law enforcement use only. Although the data captured by the in-car camera system is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time by the Chief of Police or his/her designee. Access to the data from the in-car camera system is permitted on a right-to-know, need-to-know basis.

Recordings may be reviewed by authorized personnel in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to assess officer performance.

1. Field Training Officers (FTO) and the FTO Office Program Coordinator may view MAV recordings to evaluate performance of an officer in the Field Training Program.

(d) To assess proper functioning of MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who are authorized to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

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446.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report.

446.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media will be retained in accordance with the established records retention schedule (Government Code § 34090.6).

446.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

446.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the East Bay Regional Park District Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

446.7.3 MAV HARD DRIVES AS EVIDENCE

Only in exceptional circumstances will original video memory storage devices be booked into evidence. Such circumstances would include major events such as an officer-involved shooting, or as directed by the Watch Commander or a member of command staff. If a video memory storage device is booked into evidence, it shall be booked in the same manner as other property and referenced in the incident report.

446.8 RETENTION

Digital recordings shall be retained according to evidence procedures. If a copy of a video segment has been placed into evidence in connection with a case, it will be retained as required by law.

446.9 TRAINING

Officers and supervisors will receive periodic training in the use of the Mobile Audio/Video system upon transitioning to a new system, or at least once every CALEA assessment cycle.

446.10 APPLICABLE STANDARDS AND DATES

CALEA Standard: 41.3.8

Effective: January 19, 2008

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Revised: November 1, 2008; March 30, 2009; May 6, 2009; September 17, 2012; February 12, 2013; August 21, 2013; October 30, 2014; March 3, 2016; March 9, 2016; May 18, 2016; September 20, 2017; November 20, 2018; March 31, 2020

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Mobile Data Terminal Use

448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) 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.

448.2 POLICY

East Bay Regional Park District Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

448.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

448.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT 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 MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

448.4.1 USE WHILE DRIVING

Use of the MDT 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.

448.5 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 MDT unless security or confidentiality prevents such broadcasting.

MDT 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 MDT. Officer initiated incidents are limited to the type available in Mobile CAD.

448.5.1 STATUS CHANGES/INQUIRES

All changes in status (e.g., arrival at scene, meal periods, in service) or inquiries will be transmitted over the police radio or on the MDT. Status changes made on the MDT will be limited to:

10-8	Officers clearing themselves from incidents including entry of all required information
10-16	Admin Activity, must put location/reason in comments
10-17	Fuel, if not at SCCY/NCCY then must put location in comments
10-19	Returning to Station
10-21	Telephone call, put location in comments
10-49	En route to an incident
C4	Code 4, resets timer for 5 minutes
C7	Officer must check first then can put themselves out at location
COURT	Unavailable while at Court
DL Check	Check CLETS/NCIC for wants/warrants on a person
Firearms	Check CLETS for registration check of firearms
GB	Green Bag for standing weekly pickups, not special ones or ones with issues
GC	Gate Closure for standing/nightly closures, not special or different ones

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HQ	At HQ, put reason in comments (Report Review, meeting, etc.)
ONS	On Scene at an incident
Property	Check CLETS for stolen/found property
Vehicle Reg Check	Check CLETS for license plate/VIN

Members responding to in-progress calls should advise changes in status over the radio or on the MDT to assist other members responding to the same incident.

448.6 EQUIPMENT CONSIDERATIONS

448.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will be transmitted verbally over the police radio.

448.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

448.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.3.7, 81.2.4

Effective: August 3, 2011

Revisions: February 1, 2012; July 27, 2015; July 25, 2016; September 20, 2017; June 26, 2018; December 12, 2018; June 21, 2021

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Portable Audio/Video Recorders

450.1 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 East Bay Regional Park District Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

450.2 POLICY

The East Bay Regional Park District Police Department will 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.

450.3 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.

450.4 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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450.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member primarily assigned to patrol 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. This includes field training officers who are actively training or observing trainees. This section exempts administrative staff who are not working in the field. 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.

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.

Members shall activate the portable recorder to the standby mode (30-second pre-record) during the performance of their patrol duties.

450.5.1 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).

450.5.2 MEETINGS AND TRAININGS

Recording devices shall not be worn during confidential meetings or trainings by members unless directed so by the Chief of Police. All recording devices should be left in a secured vehicle or office while in confidential meetings and trainings.

450.6 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

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(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

(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.

450.6.1 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.

450.6.2 CESSATION OF RECORDING

Once activated, the portable recorder shall 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).

450.6.3 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.

450.7 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.

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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.

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.

450.8 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.

450.8.1 RECORDING DOWNLOAD

Members should download the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit. All digital evidence files should be downloaded to the Department evidence storage.

450.9 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

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(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 East Bay Regional Park District 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).

450.9.1 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.

450.10 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.

Supervisors and commanders are authorized to review all video files of their subordinates and, as necessary to complete required duties, any associated video files of non-subordinate members, unless otherwise prohibited by policy.

(a) In addition to other required video recording reviews, all supervisors shall conduct a random review of at least one Portable Audio/Video recording for each of their subordinates monthly. The selected recordings shall be viewed in their entirety and shall have a total minimum length of 10 minutes.

(b) When a supervisor is approving or investigating a use of force or vehicle pursuit incident, they shall review the Portable Audio/Video recordings of all members who were a witness to or involved in the incident.

(c) Supervisors review of subordinate Portable Audio/Video recordings shall include an assessment of:

1. Performance and training needs, if necessary;
2. Policy and procedure compliance; and
3. Consistency between written reports and video files.

Recorded files may also be reviewed:

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(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) 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.

450.11 RELEASE OF RECORDINGS

Recordings made using recording devices pursuant to this policy are department records and may only be released as provided in the Records Release and Security Policy or for other authorized legitimate department business purposes.

450.12 TRAINING

Officers and supervisors will receive initial or refresher periodic training in the use of the Portable Audio/Video Recorders upon transitioning to a new system, or at least once every CALEA assessment cycle.

450.13 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.3.8

Effective: January 2004

Revised: March 2005; May 23, 2006; November 1, 2008; March 30, 2009; February 1, 2010; October 6, 2010; February 3, 2011; February 1, 2012; September 17, 2012; February 12, 2013; August 21, 2013; October 30, 2014; March 3, 2016; May 18, 2016; January 31, 2017; September 20, 2017; November 20, 2018; March 31, 2020; June 28, 2022; July 10, 2023

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Medical Marijuana

452.1 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.

452.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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452.2 POLICY

It is the policy of the East Bay Regional Park District 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 East Bay Regional Park District Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

452.3 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.

452.3.1 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.

452.3.2 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.

452.3.3 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).

452.3.4 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.

452.3.5 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).

452.3.6 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).

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(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.

(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).

452.4 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.

452.5 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES

The Property and Evidence Unit 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 Unit 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 Unit 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 Unit supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigative Unit supervisor.

452.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: May 23, 2006

Revised: July 1, 2008; April 1, 2009; February 18, 2010; August 21, 2013; February 27, 2014; May 18, 2016; January 31, 2017; December 5, 2017; June 26, 2018; March 27, 2019

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Foot Pursuits

458.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

458.2 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. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a goot pursuit should be initiatiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and departmnet personnel.

458.3 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.

458.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

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(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

458.5 RESPONSIBILITIES IN FOOT PURSUITS

458.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion.

Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

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458.5.2 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.

458.5.3 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.

458.5.4 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) Contacting additional resources as directed by a supervisor.

(h) Coordinating response of additional resources to assist with the foot pursuit.

(i) Assigning an incident number and logging all pursuit activities.

458.6 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.

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(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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.

458.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: August 22, 2008

Revised: April 1, 2009; May 18, 2016

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Homeless Persons

464.1 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 East Bay Regional Park District Police Department recognizes that members of the homeless community are often in need of special protection and services. The East Bay Regional Park District 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.

464.1.1 POLICY

It is the policy of the East Bay Regional Park District 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.

464.2 HOMELESS COMMUNITY LIAISON

The Operations Captain may designate a member of this department, as the need arises, to act as the Homeless Liaison Officer for handling the specific homeless related issue. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Assist in developing training to aid officers in understanding current legal and social issues relating to the homeless.

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464.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

464.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

464.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be

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taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer if one has been assigned.

464.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

464.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

464.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: July 22, 2010

Revised: February 1, 2012; February 27, 2014; June 21, 2021

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Public Recording of Law Enforcement Activity

465.1 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.

465.2 POLICY

The East Bay Regional Park District 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.

465.3 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.

465.4 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.

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Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an 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.

465.5 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.

465.6 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.

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2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

465.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: October 30, 2014

Revised: May 18, 2016

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Crisis Intervention Incidents

466.1 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.

466.1.1 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.

466.2 POLICY

The East Bay Regional Park District 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.

466.3 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.

466.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander, or designee, 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.

466.5 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.

466.6 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.

466.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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466.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

466.9 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.

466.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

466.10 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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466.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

466.12 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).

466.13 APPLICABLE STANDARDS AND DATES

CALEA STANDARDS: 41.2.7

Effective: June 10, 2020; 2/2/2023

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First Amendment Assemblies

467.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

467.2 POLICY

The East Bay Regional Park District 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.

467.3 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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467.3.1 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.

467.4 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.

467.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

467.5.1 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 the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

467.5.2 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 District 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.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

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467.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

467.6 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.

467.7 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.

467.8 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

(a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

(b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.

(c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.

(d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.

(e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

(f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

(g) An objectively reasonable effort has been made to extract individuals in distress.

(h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:

1. A violation of an imposed curfew.

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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.

467.8.1 USE SUMMARY

The Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

467.9 ARRESTS

The East Bay Regional Park District 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).

467.10 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

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467.10.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

467.11 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

467.12 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

467.12.1 AFTER-ACTION REPORTING

The Incident Commander should work with District 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.

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467.13 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

467.14 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).

467.15 APPLICABLE STANDARDS AND DATES

CALEA Standards: 46.1.12

Effective: June 21, 2021; December 30, 2021; June 28, 2022; July 10, 2023

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Medical Aid and Response

468.1 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.

468.2 POLICY

It is the policy of the East Bay Regional Park District Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

468.3 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.

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Members should not direct EMS personnel whether to transport the person for treatment.

468.4 TRANSPORTING ILL AND INJURED PERSONS

EMS personnel should be called to handle patient transportation. For extraordinary transport cases refer to the Police Escorts Policy and the Traffic Escorts Procedures.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

468.5 PERSONS REFUSING EMS CARE

Except in cases of implied consent, if a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

468.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Except in exigent circumstances, 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.

468.6 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.

468.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

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- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

468.8 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).

468.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should inspect the AED monthly as part of their vehicle inspection.The AED inspection should include if the device is properly charged, appears functional, and has all necessary accessories. Any AED that is not functioning properly will be taken out of service and given to the AED coordinator, 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 by the AED coordinator, as recommended by the AED manufacturer.

Any member who uses, or intends to use, an AED should contact the Communications Center as soon as possible and request response by EMS.

468.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

468.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The AED coordinator 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).

468.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9). For specific training, use, and post-use documentation requirements, refer to the Officer Response to Suspected Opioid Overdose Procedure.

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468.9.1 DESTRUCTION OF OPIOID OVERDOSE MEDICATION
The Department Naloxone coordinator shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

468.9.2 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).

468.10 FIRST AID TRAINING

The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

468.11 APPLICABLE STANDARDS AND DATES

CALEA STANDARDS: 4.1.5

Effective: June 21, 2021

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the East Bay Regional Park District 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.

500.2.1 UNMARKED CARS

State law prohibits the use of unmarked cars solely for the purpose of traffic enforcement.

500.2.2 CHECKPOINTS

Department members engaged in the planning and operation of checkpoints for the purpose of driving under the influence or drivers license enforcement and education, shall plan and conduct such checkpoints in accordance to the procedures established. (See § O316 of the Operations Procedures Manual)

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500.2.3 TRAFFIC RECORDS

The data used to deploy officers may include data stored in the Records Management System regarding traffic collision data, traffic enforcement data and roadway hazard information. The Dispatch System Administrator is responsible to coordinate data distribution.

500.2.4 TRAFFIC COMPLAINT AND DATA REVIEW PROCESS

The Watch Commanders will establish a procedure for responding to traffic complaints and coordinate efforts with public works engineers. The procedure will include the collection and examination of roadway traffic data (speed, volume, time of day) and the accident data to determine the responses to complaints.

The Operations Captain will ensure that a report is compiled, at minimum annually, that includes:

(a) Traffic collision data;

(b) Traffic enforcement activities;

(c) Traffic complaints;

(d) Analysis of enforcement activities and collisions, by location and primary collision factor to evaluate the efficacy of traffic enforcement activities

Department members who become aware of traffic issues, design problems, or ideas for improving traffic conditions are encouraged to pass the information on to the District's Assistant General Manager of Operations for evaluation.

The District's Operations Division is responsible to insure proper action is taken to investigate traffic complaints, correct traffic deficiencies and enhance the working relationship between public safety and traffic engineering. In addition, Division Commanders are expected to coordinate regularly with District Operations staff and ensure that any necessary data is shared.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.3.4 HANDLING SPECIAL CIRCUMSTANCE - TRAFFIC LAW VIOLATIONS

Foreign Diplomats/Consular Officials will be dealt with in accordance with § 422 of the EBRPD Policy Manual. Nonresident violators, members of the legislature and military personnel will be processed in the same manner as a private citizen.

Juvenile violators are processed in the same manner as adult violators.

500.3.5 UNIFORM ENFORCEMENT GUIDELINES

Officers should take enforcement action when serious violations are observed or reported. It is the intention of the EBRPD Police Department to take maximum enforcement action when a threat to life and public safety are involved. The following violations are examples of serious:

- Violations involving drug/alcohol impairment
- Drivers with a suspended or revoked license
- Serious speed violations resulting in added danger to the public
- Other hazardous violations including but not limited to:
  - Reckless driving and speed contests
  - Multiple violations
  - Violations resulting in traffic collisions

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Officers observing less serious violations are encouraged to take appropriate action. Officers should use discretion in determining enforcement action for things such as:

- Off-road vehicle violations
- Equipment violations
- Public carrier and commercial violations
- Other non-hazardous violations
- Newly enacted laws and/or regulations
- Pedestrian and bicycle violations

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.4.1 REQUEST FOR RE-EXAMINATION OF A DRIVER

Routine traffic enforcement and collision investigation activities frequently lead to the discovery of drivers who have suspected incompetency, physical or mental disabilities, or other conditions that might interfere with their ability to safely operate a motor vehicle. Officers finding these circumstances may consider completing DMV form DS 427 Notice of Priority Re-examination of Driver and Request for Regular Re-examination of Driver. The DS 427 form shall be completed in conformance with the instructions contained on the form and submitted to the patrol supervisor in a timely manner.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be

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exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 ROADWAY HAZARDS AND OBSTRUCTIONS

Roadway and roadside hazards are contributing factors in many collisions. Officers should make efforts to remove hazards or warn motorists when it can be accomplished in a safe manner and with available resources. Officers may consider utilizing additional resources, such as park district staff employees or signage.

In cases where traffic signals become inoperative, it is the general policy of this department not to intervene. However, if a traffic signal outage is localized, officers should make notification as specified in §430 of this Manual.

500.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 61.1.1, 61.1.2, 61.1.3, 61.1.5, 61.1.6, 61.1.11, 61.3.1, 61.4.2

Effective: January 2004

Revised: May 23, 2006; April 1, 2009; March 30, 2009; November 23, 2009; February 12, 2013; February 27, 2014; January 31, 2017

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The East Bay Regional Park District Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.1.1 RESPONSIBILITY

The Training Sergeant will be responsible for distribution of the Collision Investigation Manual. The Training Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.2 RESPONSE TO COLLISION SCENES

It is the policy of the East Bay Regional Park District Police Department to respond to all injury collisions on District property. The definition of an injury collision is one in which a party involved is transported to the hospital with a visible or serious injury or if the injury constitutes a trauma activation. Officers responding to collisions with reported or unknown injuries will do so promptly in accordance with § 316 of this Manual.

Officers will respond to all traffic collisions upon District owned roadways except when resources are not available. In cases where officers are not available to respond to minor collisions, department members should identify alternate means for the parties to complete a collision report.

When a traffic collision occurs on a District owned roadway, the unit dispatched shall assume primary responsibility for the collision scene and documentation of any reporting requirements. Such primary responsibilities may be reassigned by the patrol supervisor.

In any circumstance where an officer/unit witnesses or becomes first on-scene to any injury or major accident investigation that occurred outside of the District's jurisdiction, that unit shall make a reasonable effort to safely maintain the integrity of the scene and summon emergency medical aid until that jurisdictional authority can properly assume control and investigative responsibility of the scene.

Regardless of jurisdiction, the first officer on the scene of any traffic collision shall identify and assess all involved parties for injury and ensure that appropriate medical aid is summoned.

502.3 TRAFFIC CONGESTION DUE TO COLLISIONS, REMOVAL OF VEHICLES

It is important that officers endeavor to clear roadways as quickly as possible after a collision to limit the impact on the motoring public. However, some serious collisions involving major injuries or death may require the closure of a roadway for extended periods of time.

If the closure of a roadway is anticipated for an extended period (more than 30 minutes) officers should utilize additional resource to reroute or detour traffic when possible.

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Officers may order drivers to move their vehicles from the roadway or have them towed if damage does not permit movement. All efforts should be made to tow vehicles at the owners request. If an owner is not available or refuses towing, the officer should complete a Tow/Storage Form (CHP 180) and order the removal if authority exists. See § 510.22 of this Manual.

502.3.1 MAJOR ACCIDENT INVESTIGATION

When an officer responds to a major accident scene involving multiple serious injuries, death or unusual circumstances beyond their investigative abilities, the officer shall contact his or her supervisor and request accident investigation specialists. These specialists may include department personnel or members of the State M.A.I.T.

If an officer has responded to a major accident and is awaiting the arrival of additional investigative personnel, the officer should ensure that the scene remains secure and free from contamination.

502.3.2 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be completed in a timely manner and submitted to their supervisor for approval. Any traffic collision reports completed on manual forms shall be submitted to the Records Unit for data entry into the Records Management System.

Copies of all traffic collision reports will be sent by the Records Unit to the California Highway Patrol for compilation, analysis and review, as required by law.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING DISTRICT VEHICLES

(a) Photographs of the collision scene and vehicle damage shall be taken at the discretion of the Investigating Officer or any supervisor.

(b) Traffic collision reports (CHP 555 form) shall be taken when a police department vehicle is involved in a traffic collision within Park District lands, wherein any damage or injury results.

(c) At the discretion of the Watch Commander, the investigation of such collisions shall be assigned to an officer who was neither a driver nor passenger in the involved vehicle(s).

(d) When the collision occurs outside park district boundaries, the local law enforcement jurisdiction shall be requested to complete the investigation. In the event the event the local agency is unable to handle the investigation, the Watch Commander shall assign an EBRPD officer as noted above.

(e) The accident will be reviewed and evaluated by the chain of command.

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502.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the East Bay Regional Park District Police Department resulting in a serious injury or fatality, the Watch Commander may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

502.4.3 TRAFFIC COLLISIONS WITH OTHER DISTRICT EMPLOYEES OR OFFICIALS

The on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any District official or employee where a serious injury or fatality has occurred.

502.4.4 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports have several formats varying in complexity. Generally, traffic collision reports are taken when the collision occurs on a roadway or highway within the jurisdiction of this department. Officers shall follow the reporting guidelines established in the Procedure Manual. (See Section O303, Report Writing)

Traffic collision reports may be taken when they occur on a roadway or highway within the District's jurisdiction. A collision shall be documented as an INVESTIGATION when one or more of the following conditions exist:

(a) When there is a death or severe injury to any persons involved in the collision (on or off highway).

(b) When there is visible injury (on or off highway) requiring transportation by ambulance non-visible injury warranting a trauma activation.

(c) When the collision results from an identifiable violation of law, and collection of evidence is required to support prosecution.

(d) When the collision involves an East Bay Regional Park District vehicle or other governmental agency vehicle.

(e) When the collision involves a school bus carrying any student at or below the twelfth grade level, the reporting investigation of such a collision shall be referred to the California Highway Patrol (Refer to C.I.M.).

(f) When the collision involves a hit and run with sufficient information or evidence for follow-up and potential prosecution at a later time.

(g) When a collision involves the release or potential release of Hazardous Materials, the East Bay Regional Park District Police Department will take a supporting role to the East Bay Regional Park District Fire Department (or local Fire Department within the jurisdiction), who is responsible for all Haz-Mat incidents.

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502.4.5 SUMMARY COLLISION REPORT
A Collision Report CHP § 555 (Summary Cause) shall be made when one or more of the following conditions exist:

(a) When a "complaint of pain" results in the injured party being transported via ambulance for medical care.

(b) When collisions result in those injuries classified as "other visible injuries", as defined by the C.I.M., and the person was not transported for medical care.

(c) When an officer witnesses a property damage only collision and the causing violation, including DUI (Vehicle Code § 23152a), and the officer issues a traffic citation or collision notice for that violation.

Narrative of Summary Cause reports shall include:

- Notifications
- Summary
- Cause
- Recommendations

502.5 CONTROLLING PROPERTY BELONGING TO COLLISION VICTIMS
When an officer at the scene of a traffic collision becomes aware of the personal private property of an incapacitated subject, said property should be taken into custody for safekeeping if that officer is not able to secure the property in accordance with Policy Manual § 510.5

502.6 DISTURBANCES AT SCENES OF COLLISIONS
Upon arriving at the scene of a collision where a disturbance between involved individuals or others is on-going, defuse the situation as appropriate. At the discretion of the officer, it may be prudent to document the circumstances of the disturbance in the corresponding collision report.

502.7 APPLICABLE STANDARDS AND DATES
CALEA Standards: 61.2.1, 61.2.2, 83.2.6

Effective: January 2004

Revised: March 2005; May 23, 2006; November 1, 2008; March 30, 2009; May 6, 2009; February 18, 2010; August 3, 2011; February 12, 2013; October 30, 2014; May 18, 2016; June 28, 2022

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Vessel Accident Reporting

505.1 PURPOSE AND SCOPE

The East Bay Regional Park District Police Department prepares vessel accident reports in compliance with the Department of Boating and Waterways Vessel Accident Report Manual and as a public service makes vessel accident reports available to the community with some exceptions.

505.1.1 RESPONSIBILITY

The Training Sergeant will be responsible for distribution of the Vessel Accident Report Manual. The Training Sergeant will receive all changes in the state manual and ensure conformity with this policy.

505.2 RESPONSE TO VESSEL ACCIDENTS

It is the policy of the East Bay Regional Park District Police Department to respond to all reported vessel accidents that occur on District waterways, except when resources are not available. Officers shall respond to all injury vessel accidents. The definition of an injury vessel accident is one that a party involved in the accident receives medical treatment.

Officers responding to vessel accidents with reported or unknown injuries will do so promptly in accordance with § 316 of this Manual. In cases where officers are not available to respond to minor vessel accidents, department members should identify alternate means for the parties to complete a vessel accident report.

505.3 MAJOR INCIDENT INVESTIGATION

Any officer may be required to complete a vessel accident report; however, the Special Enforcement Unit Marine Officer should be notified to respond as the primary reporter on a major vessel accident. When an officer responds to a major accident scene involving multiple serious injuries, death or unusual circumstances beyond their investigative abilities, the officer shall contact his or her supervisor and request the U.S. Coast Guard be contacted for assistance. The National Transportation Safety Board (NTSB) is interested in investigating major recreational boating accidents that occur in California waters.

The NTSB investigates recreational boating accidents that meet the following criteria:

(a) The loss of six or more lives;

(b) A collision between a federally operated boat and an undocumented recreational boat where a fatality occurs or there is $75,000 in property damage;

(c) Property damage that is initially estimated at a total of $500,000 or more; or

(d) The loss of a mechanically propelled vessel of 100 gross tons or more in sole state waters.

If an officer has responded to a major accident and is awaiting the arrival of additional investigative personnel, the officer should ensure that the scene remains secure and free from contamination.

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505.3.1 VESSEL ACCIDENT REPORTING

All vessel accident reports taken by members of this department shall be completed in a timely manner and submitted to their supervisor for approval. Any vessel accident reports completed on manual forms shall be submitted to the Records Unit for data entry into the Records Management System. The Watch Commander will be responsible for quarterly reports on vessel accident statistics to be forwarded to the Operations Division Commander, the Department of Boating and Waterways, and other persons as required.

CA Harbor and Navigation Code (H&N) 646(d) requires initial reports of a casualty involving the death or disappearance of a person as a result of a boating accident to be immediately forwarded to the Department of Boating and Waterways.

505.4 REPORTING SITUATIONS

California solicits a reporting system established by regulation under the Federal Boat Safety Act of 1971. Title 33 Code of Regulations, Subchapter S " Boating Safety, Part 173 " Vessel Number and Casualty and Accident Reporting, Subpart C " Casualty and Accident Reporting, applies to vessels that are used by their operators for recreational purposes, or that are required to be numbered, except for those vessels required by law to have a Certificate of Inspection. A boating accident is considered reportable if:

a.) Total damage resulting from the accident is more than $500, or there has been a complete loss of a vessel

b.) A person has sustained injuries beyond first aid (A victim sustaining obvious injuries beyond first aid, but who refuses first aid treatment is still considered to be injured beyond first aid)

c.) A person has died or has disappeared and is believed dead

505.4.1 VESSEL ACCIDENTS INVOLVING DISTRICT VESSELS

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the Investigating Officer or any supervisor.

Vessel accident reports (DBW Form VAR), shall be taken when a police department vessel is involved in a vessel accident within Park District waterways, wherein any damage or injury results.

At the discretion of the Watch Commander, the investigation of such accidents shall be assigned to an officer who was neither a driver nor passenger in the involved vessel (s).

When the accident occurs outside Park District waterways, the local law enforcement jurisdiction shall be requested to complete the investigation. In the event the event the local agency is unable to handle the investigation, the Watch Commander shall assign an EBRPD officer as noted above.

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505.4.2 VESSEL ACCIDENTS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on duty or off duty, is involved in a traffic collision within the jurisdiction of the East Bay Regional Park District Police Department resulting in a serious injury or fatality, the Watch Commander may notify the U.S. Coast Guard for assistance.

The term serious injury is defined as any injury that may result in a fatality.

505.4.3 VESSEL ACCIDENTS WITH OTHER DISTRICT EMPLOYEES OR OFFICIALS
The on duty Watch Commander may request assistance from the U.S. Coast Guard and the Department of Boating and Waterways for the investigation of any vessel accident involving any District official or employee where a serious injury or fatality has occurred.

505.4.4 VESSEL ACCIDENTS ON DISTRICT WATERWAYS
Vessel accident reports have several formats varying in complexity. Generally, vessel accident reports are taken when the collision occurs on a waterway within the jurisdiction of this department. Officers shall follow the reporting guidelines established in the Procedure Manual. A collision shall be documented as an INVESTIGATION when one or more of the following conditions exist:

a). Death or disappearance

b.) Any injury

c.) Major property damage

d.) Possibility of pursuing a criminal complaint

505.4.5 SUMMARY CAUSE REPORT
A Summary Cause report should only be used when investigating a minor non-injury boat accident where no prosecution is desired. Narrative of Summary Cause reports shall include:

(a) Summary

(b) Cause

505.5 EXAMPLES OF REPORTABLE ACCIDENTS

a.) A fire, explosion, sinking, or other occurrence involving a vessel, if the vessel, it's installed or associated equipment or appendages failed, malfunctioned, or otherwise contributed to the accident or casualty;

b.)A person is burned, otherwise injured, or dies from exposure or immersion that is the result of an accident involving the vessel where the vessel or its equipment or appendages contributed to the accident or casualty;

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c.) A person dies, is injured, or property damage results from any occurrence or incident that was caused by careless or improper use of the vessel;

d.) An oar or other piece of gear associated with the vessel is lost from a vessel and a person drowns or otherwise dies in an attempt to retrieve the lost item.

e.) A person dies or is injured while swimming because of carbon monoxide asphyxiation;

f.) A person dies or is injured after leaving a vessel that is underway to swim for pleasure because the vessel IS NOT anchored, moored, or docked and the vessel drifts away from the swimmer and the swimmer is unable to get back to the vessel.

505.6 CONTROLLING PROPERTY BELONGING TO VESSEL ACCIDENT VICTIMS

When an officer at the scene of a vessel accident becomes aware of the personal private property of an incapacitated subject, said property should be taken into custody for safekeeping if that officer is not able to secure the property.

505.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 61.2.2, 82.2.1, 83.2.6

Effective: August 3, 2011; June 28, 2022

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Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the East Bay Regional Park District Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be given to the tow truck operator and the original shall be submitted to a supervisor for approval who will forward to the Records Unit as soon as practicable after the vehicle is stored.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a tow company. The officer will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and drivers 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 drivers license and current vehicle registration.

510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone an 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 a firm from the list of approved towing companies.

510.2.7 RECORDS UNIT RESPONSIBILITY

Records or communications personnel shall promptly enter pertinent data into the Stolen Vehicle System (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

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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 Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

510.3 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.4 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.5 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).

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(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 requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

510.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.4, 61.2.2, 61.4.3

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; July 1, 2008; April 1, 2009; May 6, 2009; November 23, 2009; February 3, 2011; August 3, 2011; February 1, 2012; September 17, 2012; September 20, 2017; March 27, 2019

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Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the East Bay Regional Park District Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Watch Commander will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

512.3 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: March 2005; July 1, 2008; November 1, 2008; May 6, 2009; May 18, 2016

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Driving Under the Influence Enforcement Programs

513.1 PURPOSE AND SCOPE

Due to the major impact on society of driving under the influence of drugs or alcohol, the East Bay Regional Park District Police Department will participate and promote programs to combat drivers under the influence and make efforts to effectively deploy officers to combat this problem.

513.2 DUI ENFORCEMENT GENERAL

Patrol and traffic officers should always be vigilant to locate and arrest drivers who are intoxicated. Watch Commanders and patrol supervisors should ensure that DUI enforcement is held in high priority in their operations.

The Watch Commander is responsible to ensure efforts are made to field the appropriate resource during times of increased DUI occurrence (certain holidays), and in areas where analysis has shown a significant number of violations or DUI-related collisions have occurred.

513.3 STATE AND REGIONAL DUI EFFORTS

East Bay Regional Park District Police Department will, when possible, participate in regional efforts to combat DUI including:

- County wide Grant Programs, ie: Avoid the 21 and Avoid the 25
- Ad-hoc interagency efforts

513.4 DUI PROCEDURES

The legal authority for arrest and to enforce DUI laws is contained in the California Vehicle Code , Division 11, Chapter 12, Articles 1 and 2 and specified other sections. Officers are responsible to be familiar with and follow the DUI laws as contained in the California Vehicle Code and the guidelines in this Policy Manual.

513.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: 61.1.9, 61.1.10

Effective: November 12, 2008

Revised: March 30, 2009; February 12, 2013

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Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The East Bay Regional Park District Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Watch Commander will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in California or another jurisdiction.

514.4 FIELD TESTS

The Watch Commander should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

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(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.

514.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.5.2 BREATH SAMPLES

The Watch Commander 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 Watch Commander.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

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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)).

514.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

514.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

514.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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514.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

514.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.2 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.

(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.

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(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.

514.6.3 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)).

514.7 ARREST AND INVESTIGATION

514.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic crash.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

(c) The person will not be apprehended unless immediately arrested.

(d) The person may cause injury to themselves or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.7.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver’s license to the Department of Motor Vehicles (DMV).

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(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

514.8 RECORDS UNIT RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

514.10 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Personnel and Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

514.11 APPLICABLE STANDARDS AND DATES

CALEA Standards: 61.1.5, 83.2.1

Effective: January 2004

Revised: March 2005; May 23, 2006; July 1, 2008; March 30, 2009; May 6, 2009; July 22, 2010; August 3, 2011; February 1, 2012; February 12, 2013; August 21, 2013; July 25, 2016; March 27, 2019; July 10, 2023

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Sobriety Check Point Policy

515.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth procedures and responsibilities in operating sobriety checkpoints within the East Bay Regional Park District. The EBRPD Police Department will periodically operate sobriety checkpoints with the objective to reduce drunk/drugged driving. Checkpoint operations shall not be used for investigative detention purposes; however, motorists may be screened for valid drivers licenses.

515.2 CHECKPOINT REQUESTS

All requests for a sobriety checkpoint shall be forwarded to the Operations Commander. The Operations Commander shall then forward the request to the assigned supervisor for implementation.

515.3 CHECKPOINT OPERATIONS

The assigned supervisor's responsibilities include, but are not limited to the following:

(a) Determine dates, times and locations (unless specified in the request) of checkpoint operations

(b) Coordinate press releases to the public

(c) Alert the Communications Division Supervisor of the potential increase in towed vehicles

(d) Plan Checkpoint operation site and assignment posts to ensure safety for motorist and offices

(e) Prepare a scene diagram to include site, cone and sign placements and all posts

(f) Ensure that the checkpoint is highly visible and meets all established criteria

(g) Determine the appropriate uniform for all personnel

(h) Secure a Community Services Officer/Public Safety Student Aide to record and call for tows, if authorized

(i) Ensure that a Preliminary Alcohol Screening (PAS) device is available at the checkpoint

(j) Ensure that the checkpoint command post vehicle is properly equipped, stocked with all necessary report forms and that all alcohol screening devices are in good condition prior to each operation

(k) Determine assignments and brief officers on the day of the operation

(l) Assign a traffic control officer to control and regulate the flow of traffic into the checkpoint area and alert personnel to possible hazards

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(m) Assign a Sobriety Checkpoint Log officer to a position near the exit from the checkpoint so that he/she can record the license plate of each vehicle pulled over and record the time a vehicle first stops behind traffic in the checkpoint lane until it leaves the lane

(n) Assign a traffic enforcement vehicle to predetermined location(s)

(o) Alert tow companies that we use in the area of the checkpoint of the potential increase in tow requests

(p) Ensure that the proper signs, cones and/or lights are properly posted

(q) Monitor overall operations, advise and document actions taken by officers and promptly fill vacant position(s) as officers rotate positions within the checkpoint

(r) Review and approve reports and record enforcement actions taken on the Sobriety Checkpoint Log

(s) A Sobriety Checkpoint Summary Report shall be completed and submitted to the Field Operations Commander. The Sobriety Checkpoint Summary Report shall contain the following information:

1. Number of arrests
2. Number of vehicle's towed
3. Crime reports written
4. Sobriety Checkpoint Log
5. Scene diagram
6. Procedures and officers instructions
7. The total number of vehicles through the checkpoint
8. The total number of vehicles screened

(t) The Operations Commander or his/her designee shall maintain all Sobriety Checkpoint Summary Reports for no less than five years

515.4 CHECKPOINT OFFICER'S RESPONSIBILITIES

The assigned checkpoint officer's responsibilities include, but are not limited to:

(a) Read the instructions and uniform requirements prior to the checkpoint assignment

(b) Use specific wording contained in the instructions when greeting a motorist

(c) Check the driver for signs of intoxication

(d) Scan vehicle interior for weapons, open containers, contraband, etc.

(e) Handle routine minor violations by verbal warnings

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(f) Notify the checkpoint supervisor if more serious violations are detected and detain individuals suspected of being under the influence

(g) Conduct field sobriety tests and chemical tests using the Intoxilyzer 5000, if qualified and available

(h) Arrest and transport arrestees to the County Jail, and complete the required offense and DMV reports in accordance with the provisions of East Bay Regional Park District Police Department Policy Manual § 526, Administrative Per Se Law

(i) Return/report back to the checkpoint supervisor for reassignment following transportation of in custody arrests

515.5 TRAFFIC ENFORCEMENT POLICY

(a) A traffic enforcement vehicle shall be available at the checkpoint

(b) The traffic enforcement vehicle shall not stop a vehicle simply because it has made a turn to avoid the checkpoint

(c) The traffic enforcement vehicle may stop a vehicle when:

1. Directed to do so by the checkpoint supervisor
2. The vehicle fails to stop at the checkpoint when directed to do so
3. The driving pattern indicates that the motorist may be under the influence of alcohol/drugs

515.6 APPLICABLE STANDARDS AND DATES

CALEA Standard: 61.1.9, 61.1.10

Effective: May 23, 2006

Revised: July 1, 2008; November 1, 2008; May 6, 2009

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Support Services Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

At all times, the supply of unissued citation books will remain in a secure storage facility.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a traffic 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 supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may request the Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. 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 Division Commander for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. 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 Records/ Communications Unit.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and citation correction form requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records/Communications

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Unit. The Records/Communications Unit shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

516.6 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 Unit.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Unit.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Administrative reviews are conducted by the Communications and Records Manager who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the East Bay Regional Park District Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

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(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

516.7.3 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.

516.8 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.

516.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 44.2.1, 61.1.3, 61.1.12, 82.3.4

Effective: January 2004

Revised: May 23, 2006; July 1, 2008; November 1, 2008; March 30, 2009; August 3, 2011; August 21, 2013; March 27, 2019; September 12, 2019

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance if within our jurisdiction and an exigency exists. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.2.1 ASSISTANCE TO OTHER HIGHWAY USERS

General assistance to motorists that do not have a disabled vehicle is encouraged, as time andresources allow, if requested. These services might include providing directions or other relatedinformation.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.3.2 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.

520.3.3 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.

520.3.4 ROADSIDE OR TOW SERVICES

Most motorists with a disabled vehicle require roadside assistance. Department personnel should assist in making contact and summoning a tow company if necessary. The motorist should be asked if he or she has a preference of a specific tow company. Department Personnel should

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request the specific tow company be summoned by the dispatch center, or if no preference is expressed, dispatch shall contact any available tow company.

520.3.5 EMERGENCY SITUATIONS
In emergency situations, officers should use discretion in determining the appropriate action to assist a motorist. Care should be given to provide any possible assistance while evaluating the danger to officers, victims and other motorists. Any time a motorist is caught in a hazardous situation, officers should, if possible, direct or transport them to the nearest safe position. Officers should provide emergency first aid when needed and/or arrange for emergency medical or fire response when appropriate.

520.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.

520.5 APPLICABLE STANDARDS AND DATES
CALEA Standard: 61.4.1

Effective: January 2004

Revised: May 1, 2008; November 1, 2008; March 30, 2009; May 6, 2009; July 27, 2015

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Police Traffic Escorts

521.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for providing escort service for emergency vehicles and civilian vehicles in medical emergencies or planned motorcades.

521.2 ESCORTS GENERALLY

Police escorts in general are highly discouraged. It is the policy of this agency not to routinely provide escorts for funerals or other processions.

521.2.1 AUTHORITY AND PROCEDURE

The Operations Division Commander or his/her designee may authorize a scheduled escort in cases of dignitary security, funeral procession of a public official or dignitary, highway construction, unusual cargo, or as directed by the Chief of Police. A patrol watch commander or supervisor may authorize an emergency escort in life threatening situations.

Any approved escort shall follow the procedures established in the Operations Procedure Manual.

521.3 APPLICABLE STANDARDS AND DATES

CALEA Standard: 61.3.3

Effective: November 12, 2008

Revised: March 30, 2009

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72-Hour Parking Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the East Bay Regional Park District Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

524.1.1 PARKING ENFORCEMENT

Patrol personnel, including Community Service Officers, are authorized and responsible for enforcing parking laws under state and local law.

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the District of East Bay Regional Park District Police 72-Hour Parking Ordinance shall be marked and noted on the East Bay Regional Park District Police Department warning notice. 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 warning notice.

All vehicle warning notices should be placed on the car and Dispatch advised for 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 re-marked for the 72-hour parking violation.

524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Unit immediately following the storage of the vehicle. It shall be the responsibility of the Records Unit 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 Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

524.3 APPLICABLE STANDARDS AND DATES

CALEA Standards: 61.1.13, 61.4.3

Effective: January 2004

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72-Hour Parking Violations

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 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.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigative Unit 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.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

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(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and 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).

600.5 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

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.

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(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.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using 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).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

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.

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Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.
2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
3. Training requirements necessary for those authorized employees.
4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
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.

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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.

600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the East Bay Regional Park District 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 district to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigative Unit supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Unit Policy for additional guidance.

600.12 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.3, 42.2.1, 42.2.8

Effective: January 2004

Revised: May 23, 2006; November 1, 2008; March 30, 2009, February 3, 2011; August 3, 2011; February 1, 2012; September 17, 2012; February 12, 2013; February 27, 2014; July 27, 2015; May 18, 2016; January 31, 2017; June 21, 2021; July 10, 2023

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Criminal Investigation Administration

601.1 PURPOSE AND SCOPE

The purpose of this section is to create a framework for efficient and effective criminal investigations. Criminal investigations can be performed by both uniformed officers and detectives specialized in investigations.

601.2 24-HOUR CRIMINAL INVESTIGATION

The Investigations Unit produces a Call-out Roster for the purpose of having a detective available at times other than normal business hours. The Call-out Roster will be made available to the Communications Center, Patrol Supervisors, Watch Commanders, and Support Services staff. The Investigations Supervisor is responsible to notify the Communications Center of any changes to the rosters or change the roster itself.

The on duty Watch Commander or patrol supervisor will determine need before calling out an on-call Detective. In determining when to call out a detective, supervisors should consider the seriousness of the offense, complexity of the case or crime scene, and available staff and their expertise.

601.2.1 RESPONSIBILITY AT CRIME SCENES

When a detective is summoned to a crime scene, the detective will confer with the patrol officer in charge. The detective will assume responsibility as the case officer and have the authority to control the crime scene, direct the investigation and direct those police resources at the scene. Detectives and patrol personnel shall endeavor to cooperate to the utmost level having the solution of the crime and public safety foremost in mind.

Officer in Charge refers to supervisory personnel or senior officer at the scene. If a commanding officer is present, (lieutenant or above) the detective will be under the direction of the commanding officer.

601.2.2 INVESTIGATORS ATTENDANCE AT PATROL BRIEFING

The Investigations Unit Supervisor shall develop and maintain a process to assure periodic attendance of investigators at patrol briefing. The purpose of this attendance is the sharing of information and case status.

601.3 CASE SCREENING AND INVESTIGATION

Case screening focuses the available work force on the investigation of crimes that have the best chances for a successful conclusion. The Investigations Supervisor screens new cases to decide the course of the investigation, basing his/her decisions on:

(a) The seriousness of the incident

(b) The solvability factors that are present, including:

1. Suspects leads

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2. Witness
3. Identifiable suspect vehicles
4. Distinctive methods of operation
5. Available physical evidence and/or lack of traceable property

(c) The investigative workload

Cases should be assigned to available detectives with the special skills, knowledge, or abilities necessary to complete the investigation. The Investigations Supervisor is responsible for recording and monitoring cases assigned to investigators.

601.3.1 SUSPENDING CASES

The suspension of case investigations that are not major cases, e.g., property crimes not involving a criminal ring, may occur with corroboration between the investigator and the Investigations Supervisor. The suspension of major cases may occur only after review by and the approval of the Investigations Supervisor. Cases may be suspended for reasons that include the following:

- Lack of workable leads
- Lack of corroborative witnesses
- Lack of victim cooperation in misdemeanor cases
- Unavailability of investigative resources

Unsolved homicides, rapes, or other serious crimes should be analyzed every other year for possible cold case efforts.

601.4 CASE STATUS CONTROL SYSTEM

Upon screening a potential investigations-type case, the Investigations Supervisor decides which investigator will be assigned the case and enters the case information into the Record Management System (RMS) Case Management System (case tracking system.) The Case Management System automatically displays:

- The case number
- The crime offense

The Investigations Supervisor enters into the log:

(a) The investigators identification number

(b) The date assigned

(c) The follow-up or progress report due date

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601.4.1 ADMINSTRATIVE DESIGNATORS

All crimes that the East Bay Regional Park District Police Department investigates have administrative clearance designations that meet the guidelines of the California Department of Justice. Patrol officers and Detectives are required to use the most appropriate designation as the explanation of clearance. The clearance designations are:

- Administrative Status
  - Active
  - Active, dead file
  - Cleared, adult arrest
  - Cleared, adult arrest, multi clearing
  - Cleared, citation
  - Cleared, juvenile arrest
  - Cleared, juvenile arrest, multi clearing
  - Closed case
  - Cleared, adult, death of offender
  - Cleared, adult, extradition denied
  - Cleared, adult, prosecution declined
  - Cleared, adult, victim uncooperative
  - Cleared, juvenile, death of offender
  - Cleared, juvenile, extradition denied
  - Cleared, juvenile, no custody
  - Cleared, juvenile, prosecution declined
  - Cleared, juvenile, victim uncooperative
  - Evidence history record only
  - Inactive
  - Outside assist
  - Transferred
  - Unfounded

601.4.2 INVESTIGATIONS CASE FILES

When a case is assigned to an investigator, a temporary case file may be created that resides within the investigations unit. This file should only contain copies of the original case as all original case files are maintained within the Records Section. Upon completion of the case or upon update of original record, the investigator is responsible to assure that all information developed is transferred from the investigations case file to the permanent case file.

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When the investigator assigned to a case no longer needs the case file and all pertinent information has been transferred to the permanent record, it may be purged by placing the file in the shred bin for shredding.

601.4.3 REPORT ACCESSIBILITY

The computer RMS allows viewing of most case files by department personnel. However, a report can be restricted (partitioned). The restriction of accessibility may only be approved by a supervisor. Restrictions include allowing only Detectives or the report author to view the report narrative and the ability to restrict outside agency viewing.

601.5 PRELIMINARY AND FOLLOW-UP INVESTIGATIONS

Patrol officers are the first responders and responsible for the preliminary investigation of crimes. Patrol officers conduct the follow-up investigation, if practicable, for cases they are assigned. Patrol officers responding to serious felonies should ask their supervisor if it is appropriate to request a detective be called out. If a patrol officer is unable to complete follow-up on a routine case, that case should be forwarded to detectives. The Investigations Unit conducts the follow-up investigation on serious and complex cases or those where the follow-up by patrol is not practicable. Investigators generally will always be requested to handle cases involving the following:

- Felony Child Abuse
- Sexual Assaults
- Suspicious Deaths
- Homicides

601.5.1 COLD CASES

A cold case is any murder, missing person, suspicious death or other crime not subject to a statute of limitation, that is not currently being actively investigated. The Investigations Unit Sergeant will review cold cases at least every other year for potential solvability. Solvability criteria may include DNA evidence, new leads or new technology that is directly related to the case. Cold case murders normally fall into three categories:

- Unsolved: No known suspects.
- Unresolved: Suspect(s) known/suspected but never successfully prosecuted.
- Unidentified: Victim identity unknown (Jane or John Doe).

601.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 42.1.1, 42.1.2, 42.1.3, 42.1.4, 42.2.3, 42.2.7, 82.3.5, 83.1.1

Effective: November 12, 2008

Revised: March 30, 2009; November 23, 2009; February 27, 2014

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Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the East Bay Regional Park District Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

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602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.5.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

    1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

    2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

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602.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

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If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.6.2 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Unit supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

602.6.3 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

602.6.4 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

  1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

  2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Sexual assault victims shall further have the following rights (Penal Code § 680):

  1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

  2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

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3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigative Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigative Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.8 AUDITING CASE DISPOSITION

The Investigative Unit supervisor will ensure case dispositions are reviewed on a periodic basis using an identified group that is independent of the investigation process. The SART and/or victim advocates should be considered for involvement in this audit.

602.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigative Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

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1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

(a) Interviewing sexual assault victims.

(b) SART.

(c) Medical and legal aspects of sexual assault investigations.

(d) Serial crimes investigations.

(e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).

(f) Techniques for communicating with victims to minimize trauma.

602.11 APPLICABLE STANDARDS AND DATES

CALEA Standards: 42.2.1, 83.1.1, 83.2.1, 83.2.4, 83.2.6, 83.3.1, 83.3.2, 84.1.1

Effective: March 2005

Revised: February 12, 2007; November 1, 2008; February 1, 2012; July 27, 2015; May 18, 2016; January 31, 2017; May 24, 2017; June 26, 2018; March 27, 2019; December 26, 2019; June 21, 2021; July 10, 2023

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Digital Camera Policy

603.1 PURPOSE AND SCOPE

This policy is to establish departmental guidelines for the digital camera for digital photograph documentation used in investigations.

603.2 DEFINITIONS

Digital Imaging-is the science and process of producing and recording images in an electronic binary code fashion by action of radiant energy, light, scanning, or computer generated programs or sources for the purpose of developing and recording a latent image to be viewed in either an electronic manner or printed in a surface suitable for viewing the recorded image.

A CD-ROM disc-is a digital media storage unit. A CD-ROM disc in essence works exactly like a 3 " inch floppy disc. A CD-ROM disc holds up to 650 megabytes of memory.

The memory card-is a storage unit that inserts into a digital camera and stores the digital images taken by the camera. This storage unit is designed to be removed from the digital camera and inserted into an external drive that is connected to a computer. The stored images are then downloaded into the computer or transferred to a CD-ROM using the computer. Flash Memory Reader is the external drive that is connected to the CPU and reads the memory card.

603.3 POLICY

603.3.1 USE OF DIGITAL CAMERA

The digital camera may be used in investigations whenever documentation by photographs is appropriate.

603.4 EVIDENCE

California Evidence Code §1553 provides that a printed representation of images stored on a video or digital medium is presumed to be an accurate representation of the images it purports to represent. This presumption is a presumption affecting the burden of producing evidence. If a party to an action introduces evidence that a printed representation of images stored on a video or digital medium is inaccurate or unreliable, the party introducing the printed representation into evidence has the burden of proving, by a preponderance of evidence, that the printed representation is an accurate representation of the existence and content of the images that it purports to represent.

603.4.1 CD-ROM DISCS

Officers submitting digital photos for evidence shall archive the original digital images and a photo layout onto a CD-ROM when the digital camera is used. The CD-ROM disc will be logged into evidence.

All digital images captured on a digital camera that are subject to being recorded on CD-ROM discs shall not be deleted from the digital camera until the CD-ROM disc recording/transfer is complete.

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CD-ROM disc recordings/transfers are to occur as soon as possible and no later than the end of the Officer's assigned work shift.

603.4.2 PRINTED DIGITAL IMAGES
The officer will have the discretion on minor cases as to whether or not a printed image is sufficient to use as evidence and to be logged into evidence in replacement of a CD-ROM disc. Minor cases would include:

(a) Misdemeanor property crimes,

(b) Driving under the influence of alcohol or drugs,

(c) Under the influence of a controlled substance

(d) Non-injury traffic collisions.

If the officer chooses to use a printed image as evidence, then he/she shall use photo paper to print the image on.

603.4.3 ENHANCING IMAGES
Enhancement of an image is simply defined as any electronic means used to increase the visual acuity of the image. Any image to be enhanced shall be recorded onto CD-R disc in an unaltered stated prior to any enhancement of such image. Latent fingerprints are a good example of images that may be enhanced.

When images are enhanced, each step taken to make the enhancement (resized, brightened, etc.) shall be documented.

Enhancement shall be made as a copy of the original image and shall be marked as a "resized" or "brightened" image. Enhanced images are not considered altered. An altered image is when something is added, deleted or changed within the original image.

603.5 APPLICABLE STANDARDS AND DATES
CALEA Standards: 83.2.2, 83.2.4

Effective: January 2004

Revised: July 1, 2008; November 1, 2008; March 30, 2009; May 6, 2009

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the East Bay Regional Park District Police Department seizes property for forfeiture or when the East Bay Regional Park District Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The East Bay Regional Park District 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 East Bay Regional Park District Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.

2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

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Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).

(d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

(e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

606.4 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.

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Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Specialist is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER

The Chief of Police may 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

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guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
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 District financial directives (Health and Safety Code § 11495).

606.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

606.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the East Bay Regional Park District 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.

606.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal

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owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

606.9 APPLICABLE STANDARDS AND DATES

CALEA Standard: 84.1.8

Effective: January 2004

Revised: March 2005, May 23, 2006; July 1, 2008; February 18, 2010; February 27, 2014; January 31, 2017

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Vice Drugs and Organized Crime

607.1 PURPOSE AND SCOPE

The investigation of vice, drug and organized crime activities can involve large expenditures of time, money and effort. This policy will help to evaluate the accuracy and credibility of initial information and determine the scope and relative importance of the problem.

607.2 COMPLAINT HANDLING

When alleged vice, drug, or organized crime activity information is received, it shall be documented, indicating the source, the activity, pertinent dates and times, the name or employee number of the person receiving the information, and any other pertinent information. Documentation may be by official police report, memorandum, or CAD incident printout.

Reports regarding vice, drug or organized crime shall be routed to the Investigations Unit Supervisor. The case may be assigned to a detective for possible follow-up or routed to the appropriate jurisdiction. If the case or information is routed to another agency or jurisdiction, such routing shall be documented in the report or incident. Information received from outside agencies shall be reviewed by the Investigations Unit Supervisor and disseminated as appropriate. The Investigations Unit Supervisor shall notify the Chief of Police, via chain of command, of any high-profile vice, drug or organized crime arrests or cases.

607.3 RECORD KEEPING

The Investigations Unit Supervisor shall maintain the security levels on electronic case files of a sensitive nature. Access shall be restricted to a "need to know" basis. Cases of a sensitive nature are not to be printed in hard file until it is determined the case is closed and placing the information in the records system would not jeopardize the case, witnesses or investigators.

607.4 CONFIDENTIAL FUNDS

The Investigations Unit Supervisor is responsible for maintaining a Confidential Investigations Fund, for its disbursement, and for the accounting of each expenditure. This cash fund is maintained to pay for specialized investigative expenses incurred in active organized crime, drug and vice investigations.

607.5 SURVEILLANCE/ UNDERCOVER EQUIPMENT

The Special Enforcement Unit Supervisor or designee shall have the responsibility for the Department owned surveillance and undercover equipment which shall be kept in a secured manner. Small equipment should be stored in a locked room or cabinet. Any Department member with an official need to use the surveillance equipment may contact the Special Enforcement Unit and request its use.

The Special Enforcement Unit Supervisor shall maintain an equipment checkout system that at all time accounts for the departmental surveillance and undercover equipment. Any department

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member requesting usage of equipment shall sign for it upon receipt, note purpose of request and return it promptly when the purpose is complete. Upon return the receiving officer shall sign the equipment back in, and note if there were any problems with its usage.

607.6 CONDUCTING/PARTICIPATING IN SURVEILLANCE, UNDERCOVER, DECOY OR RAID OPERATIONS

When any surveillance, undercover decoy, or raid operation is planned, the department member in charge of the operation shall prepare an Operations Plan in accordance to the procedure established in the Operations section of the Procedures Manual prior to engaging in the operation. The department member in charge of the operation shall ensure that personnel engaged in the operation are appropriately briefed on the plan and the plan has been approved by the Watch Commander. In the event that a member assigned to a county task force prepares an Operations Plan, that plan shall be approved by the task force supervisor.

Department members shall not participate in surveillance, undercover activities or decoy operations with outside agencies that do not generally meet the requirements of this section. Department members in full time assignments with a county task force are exempt from this requirement.

607.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 43.1.1, 43.1.2, 43.1.3, 43.1.4, 43.1.5

Effective: November 12, 2008

Revised: March 30, 2009; February 27, 2014; July 27, 2015

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Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the East Bay Regional Park District Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the East Bay Regional Park District Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 POLICY

The East Bay Regional Park District Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

608.3 USE OF INFORMANTS

608.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

608.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)

(d) The Chief of Police or the authorized designee

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608.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

608.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Investigation Unit 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 East Bay Regional Park District 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 Investigation Unit 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 Investigation Unit 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.

608.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a

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determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

608.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigation Unit. The Investigation Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Investigation Unit supervisor or their authorized designees.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Investigation Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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608.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

608.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Investigation Unit supervisor will discuss the above factors with the Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

608.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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(a) Payments of $500 and under may be paid in cash from a Investigation Unit buy/expense fund.

1. The Investigation Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. Authorization signatures from the Chief of Police and the General Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) East Bay Regional Park District Police Department case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

608.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

608.6.3 AUDIT OF PAYMENTS

The Investigation Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

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At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

608.7 APPLICABLE STANDARDS AND DATES

CALEA Standard: 42.2.6

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; November 1, 2008; March 30, 2009; February 18, 2010; August 3, 2011; July 27, 2015; June 26, 2018

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Police Department

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness 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.

610.2 POLICY

The East Bay Regional Park District Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Unit 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.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

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610.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

610.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

610.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

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610.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) Unless approved by a supervisor, members shall not transport victim/witness and should instead follow the steps outlined in the Procedures Manual.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

610.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 42.2.9, 42.2.10

Effective: September 17, 2012

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Eyewitness Identification

Revised: August 21, 2013; October 30, 2014, July 25, 2016; December 26, 2019; April 22, 2020; June 28, 2022

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Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the East Bay Regional Park District Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The East Bay Regional Park District 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 East Bay Regional Park District Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or 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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612.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is good for the public to know 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 Training Sergeant 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 Training Sergeant should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

612.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: February 12, 2013; January 7, 2021

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Warrant Service

613.1 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.

613.2 POLICY

It is the policy of the East Bay Regional Park District 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.

613.3 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.

613.4 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).

613.5 ARREST WARRANTS

A risk assessment form shall be completed and submitted to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

613.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

613.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) 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.

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(c) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(d) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(e) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(f) 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.

(g) A copy of the search warrant is left at the location.

(h) The condition of the property is documented with video recording or photographs after the search.

613.8 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.

613.9 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.

613.10 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

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- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the East Bay Regional Park District Police Department are utilized appropriately. Any concerns regarding the requested use of East Bay Regional Park District Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside East Bay Regional Park District 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 East Bay Regional Park District Police Department when assisting outside agencies or serving a warrant outside East Bay Regional Park District Police Department jurisdiction.

613.11 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.

613.12 TRAINING

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

613.13 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: October 29, 2015

Revised: July 25, 2016

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Operations Planning and Deconfliction

614.1 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.

614.1.1 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.

614.2 POLICY

It is the policy of the East Bay Regional Park District 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, prevent duplicating efforts, and increase the efficiency of criminal investigations.

614.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

614.4 RISK ASSESSMENT

614.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads 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).

614.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

614.4.3 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. (SRU)
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 Unit 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.

614.5 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. This is particularly important for agencies with concurrent or contiguous jurisdictions that are involved in high risk activities such as undercover operations, surveillances, execution of search warrants, or fugitive apprehensions. The deconfliction system used by the Department is Western States Information Network (WSIN). WSIN is one of six regional centers run by the Regional Information Sharing Systems Program (RISS), a Department of Justice program. WSIN can be contacted by phone at (800) 952-5258.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but at least than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding. Investigating personnel must refrain from executing any operations until identified conflicts have been resolved.

Unresolved operational conflicts will be immediately referred to command/supervisory level personnel.

Any exemption or deviation from this policy shall be considered on a case-by-case basis and approved only by a command/supervisory level officer.

614.5.1 AUTHORIZED ADMINISTRATOR AND USERS

The Operations Director, or designee, shall be the administrator for the East Bay Regional Park District Police Department’s involvement with any regional deconfliction systems.

The administrator will ensure that all managers, supervisors, investigative personnel, and other personnel with assignments that may require them to perform deconfliction have user access

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rights, training, and required documentation to systems used by this department. The administrator will keep abreast of system contact personnel and any changes to distribution and information requirements.

614.5.2 INTERNAL DISTRIBUTION OF DECONFLICTION INFORMATION
The internal distribution of event deconfliction information occurs in the Risk Assessment Review, guided by the risk assessment form. The form is completed by the supervisor of the operation or his/her designated agent. See above Risk Assessment.

614.5.3 DECONFLICTION ENTRIES
Deconfliction entries should be made to the system prior to any preplanned execution of:

(a) Search warrants;

(b) Arrest warrants;

(c) Planned arrest of a person immediately after delivering or receiving, or attempting to deliver or receive, contraband to or from an officer or informant

(d) Predetermined surveillance operations, whether stationary or mobile, including those occurring in our agency's jurisdiction or the jurisdiction of a non-participating law enforcement agency;

(e) Covert or undercover operation with identifiable location and/or subject information, by officers or informants acting under the direction of officers, that could initiate a response from citizens or local police who may reasonably believe that a crime is in progress;

(f) Any other high-risk or specialized law enforcement activities that would benefit from deconfliction

Entries should include:

(a) Date and time of planned operation;

(b) Type of operation;

(c) Location of the operation, including any staging areas;

(d) Information about the suspect(s) including full names, aliases or monikers, date of birth, vehicle information, phone numbers, contraband to be purchased and amount of money involved

(e) Lead and participating agency names;

(f) Name and agency of the person entering the operation, including cellular telephone number, along with a secondary point of contact for the operation;

(g) Specify the radius of the deconfliction (if not specified by the deconfliction system)

614.6 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.

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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, 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.

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(l) Responsibilities for writing, collecting, reviewing, and approving reports.

614.6.1 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 and retained in accordance with the established records retention schedule.

614.7 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 should 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.

614.8 SPECIAL RESPONSE UNIT PARTICIPATION

If the operations director determines that Special Respons Unit (SRU) participation is appropriate, the director and the SRU supervisor shall work together to develop a written plan. The SRU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SRU supervisor shall transfer

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control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

614.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

614.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SRU debriefing.

614.11 TRAINING

The Training Sergeant should ensure officers and SRU 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.

614.12 APPLICABLE STANDARDS AND DATES

CALEA Standards: 46.2.8

Effective: October 29, 2015

Revised: July 25, 2016; September 12, 2019; June 21, 2021

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, 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. 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.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

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 Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department. (Pursuant to the procedures of the Personnel Administrative Manual)

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the District, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

700.5 ISSUING AGENCY-OWNED PROPERTY TO INDIVIDUAL EMPLOYEES

Agency-owned property may be issued to personnel under short or long-term periods. When agency-owned property is issued to an individual employee, they shall be responsible for the proper use and care of the property as outlined under § 700.2.

Issuing agency-owned property shall be the responsibility of the Division Commander who has budgetary oversight of the property. The Division Commander shall establish a system for the issuing and tracking of any long-term agency-owned property allocated to their division personnel. Property included under this section includes uniform components such as duty weapon and gun belt, laptop computers, safety gear, or property used for other long-term assignments (e.g. Evidence Technician, helicopter pilot safety gear, equestrian patrol gear, etc.).

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700.5.1 AGENCY-OWNED SHARED PROPERTY ISSUED FOR SHORT TERM USE
Short-term use of agency-owned property (e.g. "pool equipment") shall be the responsibility of supervisors. Property included under this section includes equipment assigned for use on a daily basis, for a specific shift, or for a short-term assignment such as a special event. Agency-owned property that would typically be issued for short-term assignments includes, but is not limited to equipment such as:

(a) Patrol vehicles and associated vehicle

(b) Auto-cite machines

(c) Surveillance equipment

(d) Specialty firearms

(e) Personal Alcohol Screening (PAS) devices

(f) Night Vision Devices (NVD's)

(g) Temporarily-assigned vehicles including bicycles

(h) Battering rams

(i) Digital or video cameras

(j) Portable radio

(k) Electro-muscular disruption devices (Taser)

700.5.2 CHECK OUT PROCEDURE
Agency-owned property issued for a short-term period shall be recorded by the employee who uses such property in the CAD system at the beginning of each shift. The record should clearly show the employee to whom the property was issued, the type of property issued, and an identifying number for the property.

Transfer of short-term assigned property, or the short-term use of off-site equipment (e.g. all-terrain vehicles) shall be documented through the CAD system.

700.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 17.5.1, 17.5.2, 22.1.6, 81.3.1, 84.1.8

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; November 1, 2008; May 1, 2009; February 12, 2013; November 20, 2018; March 27, 2019

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The East Bay Regional Park District 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.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD 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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702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any 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 East Bay Regional Park District 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.

702.6 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.

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702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

702.10 APPLICABLE STANDARDS AND DATES

CALEA Standard: 81.2.4

Effective: February 12, 2007

Revised: July 1, 2008; March 30, 2009; September 17, 2012; February 12, 2013; October 29, 2015; May 18, 2016; January 31, 2017

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms and weapons shall be removed from a vehicle and properly secured in the appropriate personal lockers, lockers provided in the department equipment room at Public Safety Headquarters, or in the gun safes located at the substations prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties. It is the responsibility of the member using the vehicle to ensure it is operationally ready and contains all necessary equipment as listed on the Vehicle Inspection Sheet. Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Items listed on the Vehicle Inspection Sheet
- Personal Protective Equipment per § 1016 and § 1024

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704.3.2 UNMARKED VEHICLES
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Applicable items from Vehicle Inspection Sheet in the Procedures Manual
- Personal Protective Equipment per § 1016 and § 1024

704.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than 3/4 tank of fuel. Vehicles shall only be refueled at the authorized location.

704.5 WASHING OF VEHICLES
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE
Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. If a weapon is located in the vehicle, the employee shall notify a supervisor, who will promptly remove it, prior to operating the vehicle. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

704.7 APPLICABLE STANDARDS AND DATES
CALEA Standards: 17.5.2, 41.1.3, 41.3.2

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; November 1, 2008, March 30, 2009; February 18, 2010; August 21, 2013; July 25, 2016; January 31, 2017

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Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the East Bay Regional Park District Police Department to provide assigned take-home vehicles. For the purposes of this policy, “District-owned” includes any vehicle owned, leased or rented by the District.

706.2 POLICY

The East Bay Regional Park District Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

706.3 USE OF VEHICLES

Operation of District vehicles are subject to the rules and regulations described in the District's Personnel Administrative Manual 3.03. Employees operating District vehicles shall possess a valid California drivers license of the appropriate classification for the vehicle they are assigned.

706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster ("red book") indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster ("red book").

706.3.2 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 first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member’s name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash or members permanently assigned an individual vehicle (e.g., command staff, detectives).

706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

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The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

706.3.5 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify their supervisor. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle’s location, commonly referred to as GPS. It is the intent of the East Bay Regional Park District Police Department to provide this data to enhance officer safety and service to the public. It is not the policy of the District to routinely review the vehicle location system data for the sole purpose of identifying policy and/or criminal violations.

The use of vehicle location system data has proven to be a valuable tool for law enforcement agencies in their service to the public and for the safety of their officers. In the case of an officer emergency, such as an officer who is missing or who does not answer in response to requests from the Communications Center, assistance can be quickly dispatched to the last known location using the vehicle location system data for the involved vehicle.

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

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member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval. The vehicle location system data may be reviewed as part of an investigation or if needed to complete incident reports. The data may be reviewed by a supervisor to assess officer performance, when used in conjunction with other performance assessments. However, supervisors shall not routinely review the data for the sole purpose of identifying policy and/or criminal violations. It is the responsibility of the supervisors and managers to ensure that reviewers have a demonstrated reason to recall and view the data.

There may be occasions where the vehicle location system data will be requested as part of a criminal, civil, or administrative proceeding. The vehicle location system data may be used by the Department for purposes of proving and disproving allegations of misconduct. Only that data relevant to the investigation scope shall be viewed and retained by investigators.

All data captured by the system shall remain the property of the Department and be retained in accordance with the established records retention schedule.

706.3.7 KEYS

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.

706.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than District personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.9 ALCOHOL

Members who are intoxicated are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

706.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations 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 so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

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706.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned Department Fleet Coordinator.

706.3.12 NON-SWORN MEMBER USE
Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

706.4.1 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

706.4.2 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 30-minute drive time) of the East Bay Regional Park District 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.

(g) Firearms, computers, or any equipment that is potentially hazardous or of high value will not be left unattended or in vehicles unless secured in a permanently affixed lock box (refer to the Personnel Administrative Manual §3.03).

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706.4.3 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. Members who reside outside the jurisdiction of the East Bay Regional Park District may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members shall use assigned vehicles in accordance with the District Use Policy in the Personnel Administrative Manual §3.03.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the East Bay Regional Park District 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.

706.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the District maintenance shop.

(e) When requesting vehicle maintenance, the member will complete a vehicle repair card explaining the service or repair, and leave it in the key cabinet.

(f) Vehicles requiring warranty service shall be written up and submitted to the equipment shop as soon as practical.

(g) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(h) All weapons shall be removed from any vehicle left for maintenance.

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(i) Supervisors shall make, at a minimum, quarterly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use 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.

706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy and the Forms and Report Writing Procedure).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported to the shift sergeant during the shift in which the damage was discovered. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

706.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(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 District registered toll way transponder. Members may submit a request for reimbursement from the District for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

706.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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706.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.1.3, 53.1.1

Effective: February 12, 2007

Revised: July 1, 2008; November 1, 2008; March 30, 2009; May 6, 2009; November 23, 2009; February 3, 2011; February 1, 2012; February 12, 2013; August 21, 2013; July 27, 2015; September 20, 2017; July 10, 2023

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Police Department

Special Use Vehicles

707.1 PURPOSE AND SCOPE

The purpose of this policy is to describe Special Use Vehicles, the authorization of their use, and other factors pertaining to the personnel who use or maintain such vehicles.

Incorporated in this section is § 313 of this Manual pertaining to Operational Readiness.

707.2 MOTORCYCLES

Personnel shall only be authorized to operate department motorcycles when they have completed the training required in the department Master Training Plan, except during authorized training activities. In addition, all motorcycle operators must possess a valid class M1 license or valid instructional permit.

Motorcycles shall only be used when roadway and weather conditions allow for safe operation.

Dual Sport Motorcycles are deployed for specialized patrol in open space, parks, trails and other off road conditions. Patrol officers with appropriate training and licensing may be assigned to a dual sport motorcycle for these purposes.

Officers shall wear a department approved helmet while operating Motorcycles or All-terrain Vehicles.

707.3 BICYCLES

Personnel operating department bicycles shall wear an approved helmet.

707.4 TRAILERS

The East Bay Regional Park District Police Department operates a number of trailers. The following is a list of trailers and uses:

All Purpose Trailer - Used in deploying various Special Enforcement vehicles such as dirt bikes or ATVs

Boat Trailer - Used in the transportation of police boats

Crime Scene Trailer - Used for transportation of of crime scene equipment

Equestrian Trailers - Used in the transportation of police horse

Range Trailer - Used for the transportation of range related training gear. Firearms shall not be stored in the Range Trailer.

VTSP Trailer - Used for the transportation of volunteer safety patrol equipment

707.5 MOBILE INCIDENT COMMAND VEHICLE

The Mobile Incident Command Vehicle is designed to respond as a tactical command or unified command post during disaster or emergency response situations. The vehicle may be used as a

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command post for any other East Bay Regional Park District Public Safety Department Operation. In special circumstances, the MIC can be utilized as a regional asset and as such may be deployed in other jurisdictions in cases or mutual assistance requests.

The Mobile Incident Command Vehicle brings a number of resources to the scene including, radios, telephones, climate controlled environment and rest facilities. Due to its unique function, the MIC can also be deployed at community events as a static demonstration with an operator on scene to answer the public's questions about the vehicle functionality and deployment.

707.5.1 REQUESTING THE MIC

All requests to utilize the MIC must be made through the Operations Division Commander and/or On-Call Commander.

The Personnel & Training Sergeant is responsible to ensure training is provided to personnel deploying the Mobile Incident Command Vehicle.

707.6 VESSELS

Police vessels are assigned to Marine personnel in the Special Enforcement Unit. Only personnel trained in boating operations may operate police vessels.

707.7 HELICOPTERS

Police Helicopters are assigned to the Air Support Unit. Only Police Officer/Helicopter Pilots are trained and authorized to operate police helicopters.

707.8 ALL-TERRAIN VEHICLES

The Special Enforcement Unit Sergeant or the on-duty Supervisor is the primary contact for deployment of all-terrain vehicles.

Officers shall wear a department approved helmet while operating Motorcycles or All-terrain Vehicles.

707.9 TACTICAL RESCUE/UTILITY VEHICLE

The East Bay Regional Park District Police Department operates a Tactical Rescue/Utility Vehicle (Ballistic, Armored, Tactical, Transport - BATT), which is housed at the Department. The access, required training, and use of the BATT are maintained by the Special Response Unit Commander.

707.10 POLICE HORSES

Police horses are assigned to Equestrian personnel in the Special Enforcement Unit. Only personnel properly trained may utilize police horses for patrol and enforcement purposes.

Officers shall wear a department approved helmet while riding horseback. A supervisor may exempt an officer from this requirement only when the officer is engaged in special or ceremonial events.

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707.11 TRAINING

Personnel assigned or approved to operate any Special Use Vehicle must be trained on the use of the vehicle in accordance with the department Master Training Plan. This plan is maintained and updated by the Training Sergeant.

Personnel assigned to operate Special Use Vehicles requiring specialty licenses must have secured those licenses before operating them in the performance of their duties, except during authorized training activities approved by the Chief of Police or his/her designee.

707.12 RESPONSIBILITY

Each manager or supervisor having authority over a Special Use Vehicle will assign one or more dedicated employees to be responsible for the condition and maintenance of the vehicle. Each Special Use Vehicle containing equipment will have a clipboard with an inventory log of equipment contained within it and an inventory log checklist, which will be checked quarterly to verify that all equipment is contained within and in operable condition.

707.13 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.1.3, 41.1.4

Effective: November 11, 2008

Revised: March 30, 2009; February 18, 2010; August 3, 2011; September 17, 2012; July 25, 2016; December 5, 2016; July 13, 2023

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Personal Protective Equipment

708.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable diseases, as those issues are addressed in the Body Armor and Communicable Diseases policies.

708.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, 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. 8 CCR 5144 - Section 5144, Respiratory Protection is the primary respiratory protection standard that all employers with employees using respirators must effectively comply with.

708.2 POLICY

The East Bay Regional Park District Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy, the Procedures Manual, Personnel Administrative Manual, or other District safety protocols.

708.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Policy Manual, Procedures Manual, Personnel Administrative Manual, or other District safety protocols to recommend new or improved PPE or additional needs for PPE.

708.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training, as directed by the Rangemaster or Firearms Instructors.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

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708.5 EYE PROTECTION

Department provided eye protection, or other approved eye protection, shall be used by members during firearms training when directed by the Rangemaster or Firearms Instructors. 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.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

708.6 HEAD AND BODY PROTECTION

Padded body protection shall be provided to personnel assigned to the Mutual Aid Mobile Field Force and to other members as directed by a Commander.

Officers shall wear a department approved helmet while operating Motorcycles or All-terrain Vehicles.

Officers shall wear a department approved helmet while riding horseback.A supervisor may exempt an officer from this requirement only when the officer is engaged in special or ceremonial events.

708.7 RESPIRATORY PROTECTION

The Support Services Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, 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.

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708.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

708.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Except in exigent circumstances, 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 appropriate PPE.

Members using respiratory protection shall (8 CRR 5144):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area, and notify a supervisor as soon as reasonable, whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

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708.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144). Gas masks shall not be used if there is a potential for oxygen deficient atmosphere.

Members shall ensure their gas mask filters are inspected and replaced if necessary, whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

708.7.4 SELF-CONTAINED BREATHING APPARATUS

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.

708.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

708.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

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(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

708.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

708.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall be provided annual training on the proper use of respiratory protection devices (8 CCR 5144).

708.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective : June 28, 2022; July 13, 2023

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)
- Information from Park Staff
- Autocite integrated parking and traffic reporting system

800.3 CRIME ANALYSIS FACTORS

Analysis shall consist of the systematic evaluation of crime data and findings for accuracy. Analysis may consist of, but not limited to, the following components of data:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

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The Crime Analyst will utilize the data listed in § 800.2 of this Policy to identify potential crime trends, series, and patterns, by temporal and geographic distribution. The Crime Analyst or Operations Personnel may then notify all personnel, including supervisors with a "crime alert bulletin" when a potential problem is developing, or the problem is occurring. Notification will occur by computer email or a printed product.

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. The Administrative Analyst shall serve as the Department's Crime Analyst. The Crime Analyst will distribute, via email, a printed product, or briefing routine crime analysis information, patterns, and trends to appropriate units. This includes the Office of Administration (Chief Executive Officer), Operations Division, and the Support Services Division. Reports may include, but are not limited to:

A semi-annual crime report that may include:

- Vehicle Burglaries
- Commercial Burglaries
- Thefts
- Stewardship violations

800.5 APPLICABLE STANDARDS AND DATES

CALEA Standard: 15.3.1

Effective: January 2004

Revised: March 30, 2009; February 18, 2010; January 31, 2017; October 7, 2020; June 28, 2022

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The Communications Center

802.1 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.

802.1.1 FCC COMPLIANCE

East Bay Regional Park District Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.1.2 COMMUNICATIONS PROCEDURES

The Communications Center employs many complex systems for a variety of services to the public and public safety members. The Communications Manager is responsible for developing and maintaining procedures to efficiently provide communications services. Department members shall comply with the procedures established.

802.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. This department provides access to the 911 system for a single emergency telephone number. The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

802.2.1 TELECOMMUNICATIONS FOR DEAF

Telecommunications for deaf (TDD/TTY) are available on all communications center telephone lines incoming and outgoing. Department members should assure that these systems are functioning properly at all times and report any malfunctions.

802.2.2 AUDIO RECORDING OF RADIO AND TELEPHONE

The Communications and Records Manager will maintain a system for recording and immediate playback of all telephone and radio transmissions within the Communications Center. The Recordings shall be maintained for a minimum of 100 days, unless the communication is identified as being needed as evidence. Those recordings identified will be copied and placed into evidence.

The Systems Administrator shall assure that the recordings are backed up and that security measures are in place. The system is secured behind a locked door and in a locked server rack with a battery backup in place. End user access is limited to the Communications personnel and the Systems Administrator.

Recordings can be made available, by request of a manager or supervisor, for business purposes. Supervisors and managers may also review audio recording for purposes of quality control, evaluation and training. To review a recording a supervisor or manager will request a Dispatch Supervisor save the recording in a secure area of the shared drive. The supervisor or manager

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will delete the recording from the shared drive as soon as they have been informed that it has been accessed.

External requests for copies of audio recordings from the Communications Center shall be submitted in writing to the Records Supervisor. Non-routine requests will be reviewed and approved by the Communications Manager and/or the Legal Division.

802.2.3 WIRELESS AND VOICE OVER INTERNET PROTOCOL (VOIP) 9-1-1 TELEPHONE CALLS

The East Bay Regional Park District Police Department elects to accept wireless and Voice Over Internet Protocol (VoIP) 9-1-1 telephone calls. All reasonable efforts will be made to verify the existence of an emergency, the location of the emergency and, if possible, coordinate an appropriate response. Department members will follow the established procedures for these telephone calls.

802.3 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 Dispatch 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.

802.3.1 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

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802.3.2 DISPATCHING CALLS FOR SERVICE

The Communications Center shall dispatch all received calls for service (not officer initiated calls) over the District's radio system on police Channel 1 unless such broadcasts will jeopardize effective law enforcement actions or confidentiality is needed as directed by an on-duty supervisor. When an on-duty officer is reached by telephone, the Communications center shall none-the-less repeat the call for service over the radio system for the benefit of other on-duty officers, supervisors, and Operations Division personnel.

802.3.3 RADIO ETIQUETTE AND PROCEDURE

Department personnel should recognize a certain level of transparency comes with the use of a broadcast radio system. Radio transmissions are recorded 24/7. Personnel should remain cognizant of this fact and maintain the highest level of professionalism in all radio communications.

All personnel using the radio system shall adhere to the following guidelines in accordance with

FCC regulations and professional industry standards:

(a) Radio traffic shall be conducted courteously; the radio shall not be used to convey personal feelings, i.e. anger, disgust, impertinence, sarcasm, rudeness, editorializing, etc.

(b) Normal, plain articulate English or proper law enforcement codes shall be used; avoid using jargon, slang, or “shoptalk”.

(c) Transmissions should be brief yet descriptive enough for the receiver to fully understand. For transmissions lasting more than 15 seconds, when practicable, personnel should state “break,” stop the transmission momentarily, and resume the remainder of the transmission.

(d) Personnel should use normal diction, an evenly modulated tone of voice, avoiding overly articulated inflection or melodic pitch.

(e) During response to calls for service, personnel should keep radio traffic on the primary radio channel to ensure the transmissions are recorded.

802.4 DOCUMENTATION

It shall be the responsibility of the Communications Center to document all relevant information given over the radio on calls for service. Officers will do so on self-initiated activity via the Mobile Data Terminal (MDT). 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:

- Case 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.

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- 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.

802.5 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. Confidential information may also be sent via MDT.

802.6 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

802.7 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. To ensure the safety of the Communications Staff when there is a single dispatcher working, a welfare/status check will be completed by Field Personnel. This check (via radio, telephone or in person) will occur every sixty minutes if Communications Staff have not made or responded to a radio transmission.

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.

802.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 81.1.2, 81.2.1, 81.2.2, 81.2.3, 81.2.4, 81.2.7, 81.3.3, 82.2.3, 82.2.5

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Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the Property/Evidence Report. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The Property/Evidence Report must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked, logged into agency records, and placed under the control of the Property and Evidence Unit prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the Property/Evidence Report describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Complete a report detailing the circumstances by which the property came into the agency's possession and describing each item of property obtained.

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(c) 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.

(d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(e) Place the case number in the upper right-hand corner of the bag.

(f) The original Property/Evidence Report shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(g) When the property is too large to be placed in a locker, the item may be retained in the outdoor property and evidence cage and submit the completed property record into a numbered locker indicating the location of the property.

(h) When the property is stored at a Deployment Point and is too large to be placed in a Property and Evidence locker, the item may be retained in the outdoor Property and Evidence oversize shed and submit the completed property record into a numbered locker indicating the location of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using the appropriate envelope. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately. See section 804.4.2 for packaging and testing detail, and Procedure PE402 Receipt and Storage.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Latent prints recovered in Contra Costa County shall be placed in a Contra Costa County fingerprint envelope. The face of the envelope must be completed, and the envelope sealed with evidence tape

(b) Latent prints recovered in Alameda County go directly into an evidence envelope, which is then placed into a temporary evidence storage locker

(c) Bodily fluids such as blood or semen stains shall be air dried prior to booking

(d) 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

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Property and Evidence Specialist, or placed in the bicycle storage area until a Property and Evidence Specialist can log the property

(e) All currency should be counted utilizing the two person rule. The money envelope shall be completed on its face and signed and sealed by the booking member and signed by the verify person (if available). When a second person is not available video recording the currency count is advised.

(f) When cash being booked exceeds $5,000 the Property and Evidence Specialist will process the cash as evidence and transport same to the East Bay Regional Park District Finance Department for deposit into the evidence money account.

(g) All jewelry shall be packaged separately from other evidence seized in a case so that the Property and Evidence Specialist can store the processed items in the Evidence Safe.

(h) Any oversized item(s) being booked at a Deployment Point shall be stored outside in the Evidence Unit-controlled storage shed. Officers booking items in this location shall select the correct drop-down option in RIMS, shall engage the supplied padlock on the shed, and shall notify Property & Evidence Staff of the item(s) booked.

Park District property, unless connected to a known criminal case, should be released directly to the appropriate District 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.

804.3.5 ALCOHOLIC BEVERAGE HANDLING

Officers may exercise discretion with contraband alcoholic beverages in the possession of a non-minor adult (age 21 or over) to allow the adult to remove the alcoholic beverages from an alcohol-prohibited area or, in locations where alcohol is otherwise allowed, to reasonably secure the alcoholic beverages for later removal (e.g. by placing them in the trunk of a car).

Alcoholic beverages that are found property (ownership cannot be established) or that are found in an alcohol-prohibited area and will not be used as evidence may be disposed of in the field. Beer kegs shall not be disposed of.

804.3.6 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.

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1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property and Evidence Specialist shall ensure the Records Supervisor 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 Unit Policy).

804.4 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

(g) Currency

(h) Marijuana

(i) Jewelry

804.4.1 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.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 TESTING AND PACKAGING NARCOTICS

804.4.2.1 NARCOTIC TESTING - TRUNARC ANALYZER

Members of the Department will use the TruNarc Analyzer to identify suspected or unknown narcotics and/or substances. The TruNarc Analyzer rapidly identifies drugs safely and efficiently.

The TruNarc Analyzer is only to be used by those personnel authorized in its operation. Authorized personnel must successfully complete a course of instruction as approved by the Thermo Scientific Corporation certifying the operator in the proper use of the instrument in regard to safety and scanning procedures.

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804.4.2.2 PACKAGING NARCOTICS

The member seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated locker. Prior to packaging and if the quantity allows, a presumptive test utilizing the TruNarc analyzer should be made on all suspected narcotics. If conducted, the results of this test shall be included in the member's report.

All suspected drugs must be packaged in a heat-seal bag to avoid contamination and exposure to those who handle the evidence. After placing in heat-seal bag, put in the appropriate evidence envelope.
Marijuana [dried or fresh] and fresh plant material should not be packaged in plastic bags. Package these items in paper bags or in an evidence envelope after it is air-dried or in a Conex box at the direction of the Property & Evidence Supervisor.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size. The booking member shall seal the envelope with cellophane tape and initial on both the tape and envelope. Narcotics and dangerous drugs shall not be packaged with other property.

804.4.3 PACKAGING OF HYPODERMIC SYRINGES
In most circumstances, syringes may be disposed of in designated red biohazard container after processing its content and photographing. Under the following circumstances, syringes may be appropriately disposed of:

(a) Found property

(b) Cases in which prosecution is not desired

(c) Cases in which possessing the syringe alone is the only crime for which charges are sought or that other crimes are minor in nature.

Hypodermic syringes shall be retained for prosecution when instrumental to any investigation of serious felony.

804.4.4 PACKAGING OF ALCOHOLIC BEVERAGES
In general, unopened containers of alcoholic beverages that are to be used as evidence shall be retained in their original container, except as noted below.

(a) Misdemeanor and infraction offenses - Alcoholic beverage evidence shall be disposed of in the field in lieu of being booked into evidence. Alcoholic beverage evidence shall be photographed to document the amount and condition as necessary for the offense. If disposed of in the field, officers shall make notations on the citation fully describing the alcohol disposed of (brand, quantity, etc). Beer kegs shall be booked into evidence.

(b) Felony offenses, unattended deaths, or Alcoholic Beverage Control (ABC) violations - Alcoholic beverage evidence shall be retained in the original container, unless it is an open container that is no longer capable of preserving the alcoholic beverage. In that case, the alcoholic beverage shall be transferred to a seal-able container, which shall be closed, marked by the officer, packaged and booked as evidence. The original

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container shall be marked by the collecting officer at the level of alcoholic beverage prior to removal, and shall be packaged and booked as evidence.

Alcoholic beverages that are believed to be stolen property shall be packaged and booked in the original containers, except that alcoholic beverages in opened containers may be disposed of and fully described in the police report.

804.5 RECORDING OF PROPERTY

The Property and Evidence Specialist receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property and evidence report as well as in the Evidence Management Module in the Department's RMS.

A code is created by the booking member for each item or group of items. This code is affixed to the property tag or bag.

Any changes in the location of property held by the East Bay Regional Park District Police Department shall be noted in the Evidence Management Module.

804.6 PROPERTY CONTROL

Each time the Property and Evidence Specialist receives property or releases property to another person, he/she shall enter this information in the Evidence Management System. Members desiring property for court shall contact the Property and Evidence Specialist immediately upon receipt of the subpoena, where the member has determined evidence is needed for the court appearance.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items shall be completed on the appropriate forms and submitted to the Property and Evidence Specialist. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The Communications and Records Manager or Property and Evidence Specialist will check the evidence out of property, indicating the date and time in the Evidence Management System and on the request for laboratory analysis.

The Property and Evidence Specialist releasing the evidence must complete the required information in the Evidence Management System and on the evidence package. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the transporting officer will have the employee to whom it was delivered sign the property/evidence receipt and return it to the Property and Evidence Specialist. The original copy of the lab form will

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remain with the evidence, and if there is a copy it will be returned to the Property and Evidence Unit for filing with the case.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to members for investigative purposes, or for court, shall be noted in the Evidence Management System, stating the date, time and to whom released.

The Property and Evidence Specialist shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property shall be recorded in the Evidence Management System, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigation Unit shall authorize the disposition or release of all evidence coming into the care and custody of the Department. The Property and Evidence Specialist can release property found, taken for safekeeping or adjudicated cases with a court order.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within the 60 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.

The Property and Evidence 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/Evidence Report . After release of all property, the form shall be forwarded to the Records Unit for filing with the case.If some items of property have not been released the Property/Evidence Report will remain with the Property and Evidence Unit.Upon release, the proper entry shall be documented in the Evidence Management System.

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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 Specialist 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).

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

804.6.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS

The Property and Evidence Specialist will be responsible for the storage, control, disposition, and destruction (with supervisorial oversight) of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

804.6.8 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 and Evidence Specialist shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

804.6.9 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.

804.6.10 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:

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(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.

804.6.11 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 East Bay Regional Park District Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Specialist shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

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804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; 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)

804.7.2 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.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Unit 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

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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 Unit 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).

804.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a semi-annual basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the department shall be conducted by a supervisor (as appointed by the Chief of Police) not routinely or directly connected with evidence control or an external subject matter expert.

(d) An audit of property occurs whenever the property and evidence custodian is assigned to and/or transferred from the position and is conducted jointly by the newly designated property and evidence custodian and a designee of the Chief of Police to ensure that records are correct and properly annotated.

804.9 URGENT ACCESS TO EVIDENCE

The following procedure will be used when it becomes necessary to take evidence from storage in accordance with policy §§ 804.61 and 804.64.

Urgent access to evidence will only be made when it is determined that the Property and Evidence Specialist is not available. Such access will only be made in urgent situations that cannot wait until the Property and Evidence Specialist can be contacted at home, or until they return to work.

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Access to evidence will only be made in response to an immediate District Attorney request for evidence, pursuant to a Court Order, in response to a subpoena, or to aid in an urgent criminal investigation. Officers who failed to make timely requests for evidence, pursuant to § 804.6, should not obtain evidence through this procedure.

804.9.1 PROCEDURE FOR OBTAINING EVIDENCE

(a) When it is clear that an urgent need to obtain evidence exists, and the Property and Evidence Specialist is not available, notify the Communications and Records Manager to obtain permission to access the evidence storage rooms. In granting permission, the Communications and Records Manager should weigh the need for maintaining the security and integrity of the evidence rooms against the benefit of accessing evidence.

(b) The Communications and Records Manager will respond to Public Safety HQ to make access to the Property and Evidence storage rooms.

(c) Access to the Property and Evidence rooms will be made using the keys and alarm code stored in a “special lock box” stored within the locked key box in the Communications Center.

(d) Using the CAD/RMS "Evidence Management" program, the Communications and Records Manager will identify and locate the needed evidence. The Entry Control Log shall be signed upon entry and exit of the evidence rooms. The Communications and Records Manager will pull the evidence and then update Evidence Management, indicating the officer taking the evidence and the reason. Prior to releasing the evidence to the Officer, the Communications and Records Manager will sign the Chain of Custody.

(e) Upon leaving the evidence rooms, the alarms are to be set and the doors secured. The Communications and Records Manager will immediately return the evidence room keys and alarm code to the “special lock box” stored within the locked key box in the Communications Center.

(f) The Communications and Records Manager will immediately email evidence@ebparks.org regarding the evidence room access. The notification should include the circumstances that required the access. The Property and Evidence Specialist will retain the email in the Evidence folder of the email system.

804.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 53.1.1, 83.2.1, 83.3.2, 84.1.1, 84.1.3, 84.1.4, 84.1.5, 84.1.6, 84.1.7

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; November 1, 2008; May 6, 2009; November 23, 2009; July 22, 2010; February 1, 2012; February 12, 2013; August 21, 2013; February 27, 2014; July 27, 2015; October 29, 2015; March 3, 2016; May 18, 2016; May 24, 2017; December 5, 2017; June 26, 2018; November 20, 2018; March 31, 2020; October 7, 2020; January 7, 2021; December 30, 2021; July 10, 2023

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Field Evidence Technicians

805.1 PURPOSE AND SCOPE

To establish professional guidelines for the standardized handling of articles of evidence in crimes occurring within the East Bay Regional Park District. The ultimate goal is successful prosecution of cases through comprehensive preparation for courtroom presentation.

To insure that crime scene processing, photographing, and evidence packaging is conducted in accordance with commonly accepted procedures of law enforcement agencies in Alameda and Contra Costa Counties, and within the guidelines established by the crime labs of both counties.

To ensure the availability of a trained Evidence Technician appropriately equipped in a timely fashion at crime scenes requiring technical expertise and/or extensive evidence gathering.

805.2 TRAINING

Training for the position of Field Evidence Technician is included in the Police Services Master Training Plan.

805.3 SELECTION

The criteria for selection of the Field Evidence Technician will be established by the Operations Commander in consultation with the Evidence Technician Coordinator. When a vacancy occurs, a selection will be made among those applicants who have met this criteria, which minimally include being a non-probationary employee with above average performance evaluations.

805.4 FIELD EVIDENCE TECHNICIAN COORDINATOR

(a) The Field Evidence Technician Coordinator will be responsible for coordinating the recruitment, selection, and training of Evidence Technicians with the Training Sergeant.

(b) The Field Evidence Technician Coordinator shall periodically review the Technician's reports in order to assure consistency and high quality of work product.

(c) Additional tasks include the ordering of supplies, preparing budget requests, preparing an annual Evidence Technician Budget, serving as the liaison with the County crime lab(s), and preparing an annual report of the activities of the Field Evidence Technicians.

(d) The Field Evidence Technician Coordinator will be selected by the Chief of Police.

805.5 TENURE

(a) Generally, commitment to the Field Evidence Technician Program will be a minimum of four years from the date of completion of the Basic Field Evidence Technician course.

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(b) There is no maximum commitment; however, Field Evidence Technicians may extend their assignment in the program in one-year increments with the approval of the Technician Coordinator.

(c) Withdrawal from the program shall be done in consultation with the Field Evidence Technician Coordinator so that a reasonable timetable can be established to fill vacant position(s) through the selection and training program.

805.6 GUIDELINES REGARDING UTILIZATION OF FIELD EVIDENCE TECHNICIAN SERVICES

805.6.1 CONVENTIONAL SCENE PROCESSING

Crime scenes requiring the lifting of latent prints, seizure of small amounts of narcotics, and the collection of physical evidence used in the commission of crimes shall generally be conducted and packaged by the reporting officer, investigator, or Community Service Officer. This also includes collecting of items of evidentiary value for forensic processing by a Field Evidence Technician at a later time.

805.6.2 EXTENSIVE SCENE PROCESSING

(a) Scenes requiring advanced techniques such as extensive diagramming, photographing, or collecting forensic samples require the response of a Field Evidence Technician.

(b) Necessity of the response of a Field Evidence Technician will be brought to the attention of the on-duty Field Supervisor.

(c) The Field Supervisor will then assign an on-duty technician to respond and process the scene, or make the determination to call-out an off duty technician if one is not on duty.

(d) The decision to respond or call out a technician shall be made in accordance with the criteria set forth in the Notification Table and Response Matrix below.

805.6.3 CALL OUT PROCEDURE

(a) When the Field Supervisor or Watch Commander has made the determination to call out an off-duty Field Evidence Technician, he/she will notify the Communications Center.

(b) In calling out an off-duty Technician, Communications Center personnel shall consider both response time coupled with a consideration of the time frame of when the off duty personnel last worked, or when their next scheduled regular shift begins. Consideration for the need of an immediate response verses a delayed response should be evaluated by the Watch Commander, Field Supervisor or on-scene Investigator (i.e. collection of fragile and transient evidence verses holding a crime scene secure for favorable lighting).

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(c) There is no mandatory requirement for off-duty Field Evidence Technician availability.

805.7 GUIDELINES FOR THE ORDER OF NOTIFICATIONS OF FIELD EVIDENCE TECHNICIANS

805.7.1 FIRST NOTIFICATION LEVEL
On-duty regular Field Evidence Technicians.

805.7.2 SECOND NOTIFICATION LEVEL
On-duty supervisors and alternates trained as Field Evidence Technicians, provided the supervisor's commitment to a crime scene in the role of an Evidence Technician would not impact their regular duties.

805.7.3 THIRD NOTIFICATION LEVEL
Off-duty regular Field Evidence Technicians.

805.7.4 FOURTH NOTIFICATION LEVEL
Off-duty Supervisor/Technicians.

805.7.5 FIFTH NOTIFICATION LEVEL
On-duty Supervisors whose commitment to a crime scene in the role of ID Technician will impact their regular duties. In such cases, another supervisor will be assigned to backfill the Supervisor/ Technician's regular assignment, or an acting supervisor will be appointed.

805.8 FIELD EVIDENCE TECHNICIAN RESPONSE MATRIX

	First Response Notification	Second Response Notification	Third Response Notification	Fourth Response Notification	Fifth Response Notification
Conventional crime scenes, ie: auto burglary, minor narcotics cases, or minor injury assaults and accidents	Reporting Officer collects and/books evidence or On Duty ID Technician	N/A	N/A	N/A	N/A
Crimes and incidents with significant evidence or high liability cases requiring forensics or extensive documentation	On Duty Regular ID Technician	On Duty Supervisor trained as Technician with no impact on regular duties	Off Duty Regular ID Technician	Off Duty Supervisor Trained as Technician	On Duty Supervisor trained as Technician with backfilling of regular duties

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Major crime scenes or incidents such as death or serious injury cases requiring extensive documentation	On Duty Regular ID Technician	On Duty Supervisor trained as Technician with no impact on regular duties	Off Duty Regular ID Technician	Off Duty Supervisor Trained as Technician	Off Duty Supervisor trained as Technician with backfilling of regular duties

805.9 EQUIPMENT

(a) Regular Field Evidence Technicians shall be provided with equipment consisting of two components:

1. A digital single lens reflex camera kit
2. An Evidence Collection Kit

(b) Field Evidence Technicians shall be responsible for the care and maintenance of their assigned equipment, including keeping the kit(s) stocked with sufficient digital camera memory, batteries, and other supplies.

(c) Equipment not assigned to individual Technicians shall be kept in the Field Evidence Technician supply room and office at Public Safety Headquarters. Re-ordering of supplies and monitoring the availability of the equipment and supplies in this room is the responsibility of the Field Evidence Technician Coordinator.

(d) On-duty Field Evidence Technicians shall carry their assigned equipment in their patrol vehicle whenever possible to expedite response to crime scenes.

(e) Off-duty Field Evidence Technicians can take their assigned equipment home when not on duty, and on weekends.

805.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: July 1, 2008; November 1, 2008; July 22, 2010; October 29, 2015; May 18, 2016; May 24, 2017

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Records Unit

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the East Bay Regional Park District Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to maintain department records securely, professionally, and efficiently.

806.2.1 NUMERICAL FILING SYSTEM

Incidents are numbered commencing with the last two digits of the current year followed by the two digit month, followed by a four digit sequential number beginning with 0001 starting at midnight on the first day of each month. As an example, incident number 1801050001 would be the first new case beginning January 5, 2018.

Cases are numbered commencing with the last two digits of the current year followed by a hyphen, followed the two digit month, followed by a three digit sequential number beginning with 001 starting at midnight on the first day of each month. As an example, case number 18-02001 would be the first new case beginning February 1, 2018.

Case reports are filed numerically within the Records Unit by Records Unit personnel.

806.2.2 CASE CONTROL AND AUDITING

The Records Unit shall maintain procedures that ensure case files generated are completed as appropriate with all submitted paperwork and accounted for within Records.

806.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the East Bay Regional Park District 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 Support Services Lieutenant. The Support Services Lieutenant 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 Support Services Lieutenant should forward the petition to the Investigative Unit Supervisor and the District Counsel for review. After such review and consultation with the District Counsel, the Investigative Unit Supervisor and the Support Services Lieutenant shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Lieutenant shall ensure that the arrest record and petition are sealed for later destruction and the

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required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Support Services Lieutenant should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.4 UNIFORM CRIME REPORTING

The East Bay Regional Park District Police Department participates in the submission of Uniform Crime Reporting data to the State of California. The Communications and Records Manager is responsible for assuring reports are prepared and submitted within Department of Justice guidelines.

806.5 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Watch Commander.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The California DOJ is notified.

806.7 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

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All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

806.8 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

806.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 82.1.1, 82.1.4, 82.2.3, 82.2.4

Effective: January 2004

Revised: May 1, 2008; November 1, 2008; March 30, 2009; February 18, 2010, February 3, 2011; July 27, 2015; May 18, 2016; January 31, 2017; May 24, 2017; December 5, 2017; June 26, 2018; November 20, 2018

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Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

808.2 PROCEDURE

Any firearm coming into the possession of the East Bay Regional Park District Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property/evidence report that serial numbers have been removed or obliterated.

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808.2.3 EVIDENCE CLERK RESPONSIBILITY
The Property and Evidence Specialist receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

808.2.4 DOCUMENTATION
Police 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 from the East Bay Regional Park District Police Department. 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/Evidence Report depending on the type of evidence.

808.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property and Evidence Specialist will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

808.3 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.

808.4 APPLICABLE STANDARDS AND DATES
CALEA Standards: 83.2.3

Effective: January 2004

Revised: July 1, 2008; November 1, 2008; August 3, 2011

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Document Retention and Destruction Criteria

809.1 PURPOSE AND SCOPE

The purpose of this policy is to identify criteria for the retention and destruction of department documents and records. The procedure for records destruction shall follow the requirements set forth in the California Public Records Act (Government Code § 6250 et. seq.) and other applicable statutes.

809.2 RETENTION MATRIX

Description of Records	Retention of Current File	Retention in Archive	Responsible Department
Homicide Reports	While Case is Active	Indefinite	Police Records and Communications Unit
Death Reports	1 year	Indefinite	Police Records and Communications Unit
Felony Reports providing: No outstanding warrants No property outstanding in DOJ/NCIC No classified sections Penal Code §§ 290, 799,and 800; Health and Safety Code § 11350Child Abuse reports	1 year	10 years	Police Records and Communications Unit
Sex Crimes	1 year	Indefinite	Police Records and Communications Unit
Misdemeanor Citations	1 year	5 years	Police Records Communications Unit
Misdemeanor Reports Health and Safety Code §§ 11357 (b, c, d, e) or 11360 (b)	1 year	2 years	Police Records and Communications Unit
Misdemeanor Reports providing : No outstanding property in DOJ/NCIC No civil/ criminal litigation involved No District Employee involved	1 year	5 years	Police Record Unit
Photos and corresponding electronic media	3 years		Police Records and Communications Unit

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Document Retention and Destruction Criteria

Infraction Reports	1 year	2 years	Police Records Communications Unit
Traffic Collision Reports	1 year	2 years	Police Records and Communications Unit
Miscellaneous Incident Reports	1 year	2 years	Police Records and Communications Unit
Infraction Citations	2 years		Police Records and Communications Unit
Radio & Telephone Recordings	120 days (see §809.3)		Police Communications Unit
Officer Training Files	3 years	Until Discharged	Police Personnel & Training
Firearm Qualifications	Until Officer Discharged		Police Personnel & Training
Overtime Justifications	1 year	4 years	Police Admin Services
Evidence	Until Case Adjudicated		Police Evidence Unit
Property Found/ Safekeeping	90 days	2 years	Police Evidence Unit
County Booking Fees	1 year		Police Admin Services
Accident Review Reports	3 years		Office of the Chief
FCC Communications Licenses	Renewed every 5 years by FCC		Police Admin Services
Hilltop Leases	1 year after expiration	3 years	Police Admin Services
Detective Case Assignment Log	2 years	4 years	Police Special Operations
Det DOJ/Corpus Request Log	1 year	5 years	Police Special Operations
Pilot Flight Records	10 years	Indefinite	Police Special Operations
TSA Aircraft Maintenance Records	10 years	Indefinite	Police Special Operations
TSA Maintenance Sole Craft	5 years	Until Craft is Sold	Police Special Operations
Daily Flight Log	3 years	5 years	Police Special Operations
Monthly Flight Summary	3 years	5 years	Police Special Operations
Letters of Complaint / Appreciation	3 years	5 years	Police Special Operations

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EMT Volunteer Files	3 years	2 years	Police Special Operations
Bike Trails Council Newsletter	3 years		Police Special Operations
Metro Horsemen Newsletter	3 years		Police Special Operations
SEU/Equestrian Unit Schedules	2 years	5 years	Police Special Operations
Report Incident Directly Cards	3 years	5 years	Police Special Operations
Monthly Bulletins to O&I	5 years		Police Special Operations
EBMUD Sergeant Log	5 years		Police Special Operations
Crime Prevention Notices	3 years		Police Special Operations
Field Operations Schedules	5 years	5 years	Police Patrol Operations
Police Reserve Schedules	3 years	2 years	Police Patrol Operations
Firearms Discharge Reports	5 years		Office of the Chief
Internal Affairs Reports	5 years		Office of the Chief
Personnel Background Files	Indefinite		Office of the Chief
Applicant Background - Not Hired	5 years	3 years	Office of the Chief
Previous Employee Backgrounds	5 years	5 years	Office of the Chief
Department Monthly Reports	2 years	3 years	Department requiring the report
Department Annual Reports	3 years	Sent to History File	Department requiring the report
Firearms Discharge Reports	5 years		Office of the Chief
Employee Accident Reports	5 years		Office of the Chief
History File - Department		Indefinite	Public Affairs
Fire Reports	1 year	4 years	Fire Administration
Emergency Medical Reports	1 year	4 years	Fire Administration
Haz-Mat Reports	3 years	20 years	Fire Administration

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Fire Inspection Reports	2 years	3 years	Fire Administration
Fire Investigation Reports	2 years	5 years	Fire Administration
Dispatch Detail Cards	1 year	2 years	Police Records and Communications Unit
Officer Status Cards Police	1 year	2 years	Police Records and Communications Unit
Miscellaneous teletypes and bulletins	6 months	2 years	Police Records and Communications Unit
Personnel Files	Until employee discharged		Office of the Chief
Citizen Complaint Files	5 years		Office of the Chief

809.3 RETENTION OF COMMUNICATION CENTER AUDIO TAPES

Pursuant to Government Code §34090.6, Destruction of Recorded Radio and Telephone Communications, the following guidelines will be in effect:

(a) Recorded telephone communications shall be destroyed after 100 days

(b) Recorded radio transmissions shall be destroyed after 100 days

(c) In the event that the recordings are evidence in any claim filed or pending litigation, they shall be preserved until the pending litigation is resolved. In the event the tape is booked and there is no associated case number, a case number shall be drawn and an informational report generated by the person requesting the tape.

809.4 APPLICABLE STANDARDS AND DATES

CALEA Standards: 26.1.8, 31.4.6, 41.3.8, 82.1.3, 82.3.5

Effective: January 2004

Revised: July 1, 2008; November 1, 2008; May 18, 2016; March 31, 2020

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Records Maintenance and Release

810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

810.2 POLICY

The East Bay Regional Park District 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.).

810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in

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a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

810.4 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.

810.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

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(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).

810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 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).

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1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(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 District 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).

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(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

(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).

810.6 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Office of the Chief supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

810.6.1 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.

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(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).

810.6.2 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.

(b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

810.6.3 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).

810.6.4 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.

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(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

810.7 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, District 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.

810.8 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.

810.9 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 Supervisor shall ensure that the required notations on local summary criminal history information and police

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investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

810.9.1 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 Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

810.10 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (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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810.10.1 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 East Bay Regional Park District 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 East Bay Regional Park District 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 East Bay Regional Park District Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

810.10.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

(a) Written notice.

(b) 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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(c) 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.

(d) 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.

810.11 APPLICABLE STANDARDS AND DATES

CALEA Standard: 82.1.1

Effective: January 2004

Revised: July 1, 2008; November 1, 2008, February 3, 2011; August 3, 2011; February 12, 2013; February 27, 2014; October 29, 2015; May 18, 2016; January 31, 2017; September 20, 2017; March 27, 2019; December 26, 2019; June 21, 2021; December 30, 2021; July 10, 2023

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Protected Information

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the East Bay Regional Park District Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the East Bay Regional Park District Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

812.2 POLICY

Members of the East Bay Regional Park District Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

812.3 RESPONSIBILITIES

The designated Dispatch/Records Supervisor (CORI Coordinator) will coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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812.4 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

812.5 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, East Bay Regional Park District Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

812.5.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

812.6 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

812.6.1 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).

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812.6.2 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.

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 MDT 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.

812.7 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.

812.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

812.7.2 DISPOSAL OF PHYSICAL MEDIA

Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the

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risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.

812.7.3 ELECTRONIC MEDIA SANITIZATION AND DISPOSAL
The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel.

812.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

812.9 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATION SYSTEM (CLETS) REQUIREMENTS

Physical security of the protected information shall be maintained by taking the following steps:

(a) Ensuring that the perimeter of the physically secure location of the department is separated from non-secure locations by physical controls and is prominently posted as secure.

(b) Maintaining a current list of personnel with authorized access to the physically secure location.

(c) Issuing access card credentials to authorized personnel.

(d) Ensuring maintenance of all physical access points to secure locations.

(e) Verifying individual access authorizations prior to granting access.

(f) Maintaining restriction of access to information system distribution and transmission lines within the physically secure area.

(g) Ensuring information system devices are positioned in such a way as to prevent unauthorized individuals from accessing and viewing protected information.

(h) Monitoring physical access to the information system hardware locations to detect and respond to physical security incidents.

(i) Controlling physical access by authenticating visitors before escorted access to the secure location is granted. Visitors without prior authorization to protected information must be escorted at all times and activity shall be monitored.

(j) Authorizing and controlling protected information system hardware related items entering and exiting the secure location.

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(k) Ensuring portable devices with access to protected information use advanced authentication and requiring users activate advanced security systems prior to use.

(l) Requiring all devices distributed by the department be equipped with the ability to self-update to ensure security of the device and requiring users in possession of such devices complete updates in a timely manner after notification.

812.9.1 ACCESS CONTROL

Systems containing protected information shall have user access control lists managed by the Public Safety Systems Administrator. Any and all changes in the job assignment or function of a user or group of users shall be communicated immediately from the office of the Chief to the Public Safety Systems Administrator. User access shall conform to the policy of least privilege, in which the most restrictive set of access rights/privileges needed by users for the performance of job-related tasks will be enforced. User access control lists shall be reviewed annually by the Communications & Records Manager.

812.9.2 ADVANCED AUTHENTICATION

If access to portable systems containing CJIS protected data is granted, the authorized user shall be assigned a unique authentication device by the Public Safety Systems Administrator. Only the assigned user may use the unique authentication device. The user is responsible for ensuring that the device is in proper working order and shall report any theft, loss, or suspicion/knowledge of unauthorized use of the device immediately to the Public Safety Systems Administrator which will result in immediate remote termination of the device's authentication abilities.

A list of active unique security devices shall be maintained by the Public Safety Systems Administrator and shall be reviewed annually by the Communications Manager.

Any and all changes in the job assignment or function of a user or group of users assigned a unique authentication device shall be communicated immediately from the office of the Chief to the Public Safety Systems Administrator.

812.9.3 COMPROMISED SYSTEM INCIDENT HANDLING

Should a system containing protected information become compromised or is suspected to have become compromised. Operation of the device shall stop immediately and the IT Network Manager or Public Safety Systems Administrator shall be notified immediately. Once the procedures outlined in the Compromised IT/Cyber Incident Handling procedure have been implemented and the system is found to no longer be compromised, the system may be put back in service. Also see the Records Release and Security Policy, Security Breaches.

812.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 82.1.1

Effective: January 2004

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Revised: May 23, 2006; November 1, 2008; May 1, 2009; July 22, 2010; February 27, 2014; October 29, 2015; November 29, 2016; September 20, 2017; June 26, 2018, September 12, 2019; June 21, 2021

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) 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.

(f) Follow booking procedure in the Property and Evidence Policy.

(g) Lodge all computer items in the Property Room.

(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.
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

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disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices, except for digital storage media from media activated security cameras, should be seized and stored in a manner that will protect them from damage. Digital storage media from motion activated security cameras should be reviewed onsite, pertinent photos downloaded, and then returned to the motion activated security camera.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) If the information is needed for immediate investigation request the Property and Evidence Unit 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.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

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814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices unless legally authorized to do so. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) 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, when feasible, so the device can be plugged in at a later time.

814.5 DIGITAL EVIDENCE RECORDED BY MEMBERS

Members handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be downloaded and submitted into evidence as soon as possible.

(b) Members are authorized to download but not distribute digital media. Supervisors, the Property and Evidence Specialist, or deisgnee are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) Members, supervisors, the Evidence Technicians, or designee will download the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the member will erase the memory card for re-use. The storage media will be marked with the case information and media content.

(d) Members requiring a copy of the digital files must request a copy and sign the receipt to receive the copy.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

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(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only the Property and Evidence Specialist or designee 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.

814.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 83.2.1, 83.2.2, 83.2.5

Effective: February 12, 2007

Revised: July 1, 2008; November 1, 2008; February 1, 2010; September 17, 2012; December 5, 2017; March 27, 2019

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Communications Training Program

816.1 PURPOSE AND SCOPE

The Communications Training Program is intended to provide a standardized program to facilitate the dispatcher's instructional phase to the actual performance of communications center duties of the East Bay Regional Park District Police Department. It is the policy of this department to assign all new dispatchers to a structured Communications Training Program that is designed to prepare the new dispatcher to perform the duties necessary in the areas of call taking, fire/park operations dispatching and police dispatching.

816.2 COMMUNICATIONS TRAINING OFFICER - SELECTION AND TRAINING

The Communications Training Officer (CTO) is an experienced dispatcher trained in the art of supervising, training, and evaluating entry level and experienced dispatchers in the application of necessary knowledge and skills.

816.2.1 SELECTION PROCESS

Refer to Policy 1003 - Specialty Assignment Process for basic qualifications and selection process.In addition, the following criteria will apply to the CTO specialty assignment:

(a) Desire to be a CTO
(b) Dispatching experience
(c) Demonstrated ability as a positive role model
(d) Participate and pass an internal oral interview selection process
(e) Evaluation by supervisors
(f) Possess a POST Basic Dispatch certificate

816.2.2 TRAINING

A dispatcher selected as a Communications Training Officer should successfully complete a POST certified (24-hour) Communications Training Officer's Course prior to being assigned as an CTO. All CTOs should complete a CTO update or Supervisory course every three years while assigned to the position of CTO.

816.3 COMMUNICATIONS TRAINING PROGRAM COORDINATOR

The CTO Program Coordinator should be selected from the dispatch supervisors by the Communications and Records Manager or a designee and should possess, or be eligible to receive, a POST Dispatch and/or Records Supervisory Certificate.

The responsibilities of the CTO Program Coordinator include the following:

(a) Assignment of trainees to CTOs
(b) Conduct CTO meetings
(c) Maintain and ensure CTO/trainee performance evaluations are completed
(d) Maintain, update and issue the Training Manual and/or LEFTA access to each trainee
(e) Monitor individual CTO performance

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(f) Monitor overall CTO Program
(g) Develop ongoing training and/or updates for CTOs

816.4 TRAINEE DEFINED

Any entry level or experienced dispatcher newly appointed to the East Bay Regional Park District Police Department.

816.5 REQUIRED TRAINING

All entry level dispatcher trainees shall be required to successfully complete the Communications Training Program, consisting of a minimum of 30 weeks.

The training period for an experienced dispatcher may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practicable, dispatch trainees should be assigned to a variety of Communications Training Officers and shifts during their Communications Training Program.

816.5.1 COMMUNICATIONS TRAINING MANUAL

Each dispatch trainee will be issued or given on-line access to a Training Manual at the beginning of his/her training. This manual is an outline of the subject matter and/or skills necessary to properly function as a dispatcher with the East Bay Regional Park District Police Department. The dispatcher shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the East Bay Regional Park District Police Department and FBI/DOJ.

816.5.2 ROTATION OF ASSIGNMENT DURING TRAINING

During the training program the trainee shall be exposed to many facets of the department and to several styles of training. The trainee shall spend time with at least three different CTOs and to provide exposure to the variety of duties and tasks most frequently performed by dispatchers.

816.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

816.6.1 COMMUNICATIONS TRAINING OFFICER

The CTO will be responsible for the following:

(a) Complete and submit a Daily Observational Report (DOR) on the performance of his/her assigned trainee on a daily basis.
(b) Review the DOR with the trainee each day.
(c) Sign off all completed topics contained in the Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

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816.6.2 IMMEDIATE SUPERVISOR
The CTO's immediate supervisor shall review and approve the Daily Observation Reports.

816.6.3 TRAINING OFFICER PROGRAM COORDINATOR
The Communications Training Program Coordinator will review and approve the Daily Observation Reports submitted by the CTO through his/her immediate supervisor.

816.6.4 TRAINEE
At the completion of the Training Program, the trainee shall submit a confidential performance evaluation on each of their CTOs and on the Communications Training Program.

816.7 DOCUMENTATION

All documentation of the Training Program will be retained in the dispatcher's training files and will consist of the following:

(a) Daily Observation Reports (DOR's)
(b) A Certificate of Completion certifying that the trainee has successfully completed the POST Basic Dispatcher Academy.

816.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 31.4.1, 33.1.6, 33.6.1

Effective:June 21, 2021

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Animal Control

821.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for animal control officers and East Bay Regional Park District Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

821.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

Generally animal control calls are referred to the appropriate city or county. Any reference to an Animal Control Officer in this policy is assumed to be an employee of the appropriate city or county.

The Animal Control Officer (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems.

821.3 OFFICER RESPONSIBILITY

During hours when the Animal Control Officer is off-duty, or if the ACO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

(a) When there is a threat to the public safety.

(b) When animal has bitten someone, officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When the animal is gravely injured.

821.3.1 ANIMAL CRUELTY COMPLAINTS

Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the county ACO for followup. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

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821.3.2 STRAY DOGS
If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the Animal Shelter (9am-4pm) or to the holding pens, making sure the animal has food, water, and bedding.

821.3.3 ANIMAL BITE REPORTS
Officers shall obtain as much information as possible for forwarding to ACO for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

821.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency.

All requests to call in the ACO must be approved by a field supervisor or the Watch Commander.

821.4 DECEASED ANIMALS
Deceased animals on public property will be removed and properly disposed of by the appropriate city or county ACO.

Neither the ACO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

821.5 INJURED ANIMALS
When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code 597.1).

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

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1. When the need to kill a seriously injured or dangerous animal is necessary, the department Firearms Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Watch Commander.

(d) Injured wildlife should be referred to the Stewardship or Operations Unit, SPCA, Marine Mammal Center or Department of Fish and Wildlife as applicable. The SPCA will not pick up common pigeons (red legs), starlings, bats or skunks.

(e) When handling dead or injured animals department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(f) Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off duty, the information will be forwarded for follow-up.

821.6 CITATIONS

It should be at the discretion of the handling officer or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

821.7 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

821.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: August 22, 2008

Revised: November 1, 2008; March 30, 2009; August 3, 2011; February 12, 2013; July 27, 2015

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Chapter 9 - Custody

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Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the East Bay Regional Park District Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the East Bay Regional Park District Police Department facilities. Except in exigent circumstances, the search should 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 should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's East Bay Regional Park District Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

No individual in temporary custody at any East Bay Regional Park District 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:

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(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at East Bay Regional Park District 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.

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5. The name and sex of the members who conducted the search.
6. The name, sex, and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

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(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

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(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 1.2.4, 1.2.8

Effective: May 23, 2006

Revised: July 1, 2008; November 1, 2008; May 6, 2009; February 18, 2010; September 17, 2012; February 12, 2013; August 21, 2013; February 27, 2014; May 18, 2016; January 31, 2017; July 10, 2023

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Prisoner Transportation

903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish standards and procedure for the transportation of prisoners. Portions of this topic may be contained in other sections of this Manual.

903.2 SEARCHING PRISONERS/ DETAINEES

Officers who arrest or detain individuals must control the situation with the tools provided within the law. Officers must stay well versed on the current status of the search of persons and act within the law.

(a) Prior to detaining or transporting any individual in a police vehicle, officers shall conduct an appropriate search of that individual for contraband or weapons. (See Pat Down Search § 902.3 of this Policy Manual)

(b) Each time a prisoner comes into the transporting officer's custody, including transfers from one patrol unit to another, the receiving transport officer must search the prisoner.

903.2.1 SEARCH OF TRANSPORT VEHICLE

Officers involved in prisoner transportation must develop a routine of searching the patrol or transport vehicle to assure that prisoners do not have access to weapons or contraband. In addition, a strict routine creates the ability of an officer to associate a found item of contraband or weapon to a specific prisoner.

(a) A patrol officer shall search the prisoner area of his or her vehicle at the beginning of each shift and following the transportation of a prisoner.

(b) Officers engaged in prisoner transportation shall search the transport vehicle prior to loading any prisoner and search again following the removal of prisoners.

Weapons, contraband or personal property located found in the prisoner compartment of a vehicle shall be booked into evidence and the appropriate report completed.

Officers involved in special or long distance prisoner transportation should inspect the vehicle before use to assure it is safe and appropriately equipped for the mission.

903.3 PROCEDURES, TRANSPORTATION BY VEHICLE

Officers should ensure the prisoner is as comfortable as practicable, given the length of the trip being made, and yet secure the prisoner to the maximum degree, under the circumstances.

Officers shall handcuff and secure in the rear passenger compartment all prisoners whom they transport in a van/bus or patrol vehicle that has a security screen, unless circumstances are such that handcuffing is clearly not practicable. When a solo officer transports a prisoner in a vehicle without a security screen, the prisoner should be seated in the front passenger seat. Physically resistive or multiple prisoners should only be transported in vehicles equipped with a security

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screen Officers shall seatbelt prisoners, unless circumstances are such that seat belting is clearly not practicable.

903.3.1 CONTROL OF PRISONERS DURING TRANSPORT

When transporting a prisoner(s), officers shall have visual contact with them. Transporting officers shall not deviate from their route during the transportation of a prisoner, unless an emergency arises. If an emergency does arise, the prisoner may be allowed to exit the vehicle only in extreme situations and then only under close supervision and security. The transporting officer must use only facilities that he/she feels are safe, secure, and under constant visual observation.

Officers must take care to allow the prisoners reasonable opportunities to use toilet facilities prior to transport. Normally, the need for toilet facilities is not necessary during transport from the point of arrest to the booking point. The need for toilet facilities shall not constitute an emergency as described in this section. However, an urgent situation arising during a prisoner transport shall be assessed by the transporting officer, who, depending upon the circumstances and length of the transport, may elect to deviate or stop for toilet facilities.

During long distance prisoner transportation, if a meal is necessary, the dining location is to be chosen randomly. Under normal circumstances, officers should not take prisoners into public restaurants. When practical, officers should take the prisoner to another detention center to obtain a meal.

When the use of a public restaurant is absolutely necessary, the transporting officer must never tell the location to anyone other than those having direct involvement with the prisoner transfer. Officers should use drive-through restaurants whenever possible.

The primary duty of the transporting officer is the safe delivery of the prisoner in his/her care, and to protect the prisoner from injury and escape opportunities. Only where the risk to a third party is clear and grave, and there is no risk to the prisoner, may the officer stop to render emergency assistance or engage in any law enforcement activity.

Officers transporting prisoners should never participate in a pursuit, roadblock, or other situation that might create a risk of harm to his/her prisoner.

903.3.2 PRISONER COMMUNICATION DURING TRANSPORT

Security of the transportation function requires that a prisoner not exercise the right to communicate with his/her attorney, clergy, family, and/or others during transportation. Except as provided by law, a prisoner shall not be allowed to make any phone calls or communicate with the outside while awaiting transport.

In special circumstances, the on-duty Watch Commander can approve an exception to this policy. If an exception is made, the transporting officer is responsible for monitoring the communication.

903.3.3 TRANSPORTATION OF PRISONERS - RESPONSIBILITIES OF OFFICER

Whenever a prisoner is to be transported from the field or from one facility to another facility by a member of this Department, the transporting officer shall be responsible for the following:

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(a) Verify the identity of each prisoner to be transported matches the booking paperwork.

(b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, itemized list of prisoner's property, warrant copies, etc.

(c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

(d) Ensure all prisoners delivered to the facility are appropriately restrained until otherwise instructed by the receiving custody official.

(e) Ensure all firearms and other weapons not allowed within the custody facility are appropriately secured before the prisoner is removed from the vehicle.

(f) Obtain documentation confirming the transfer of custody, including the name of the receiving custody official. (Booking Sheet)

903.3.4 ESCAPE OF PRISONER DURING TRANSPORT

If an escape occurs, the transporting officer must immediately advise the Communications Center dispatcher or the nearest local authority of the following:

(a) Officer's call sign

(b) The location of the escape

(c) The escapee's description

(d) The charge the escapee was in custody on

(e) Any known accomplice

(f) Whether the escapee and/or accomplices are armed

(g) Method of flight including vehicle description

(h) Direction of flight.

If the escape occurs within radio range of the EBRPD Communications Center, the officer must request that the center contacted notify applicable on-duty patrol units and/or local law enforcement agencies. If the escape occurs beyond radio range of the EBRPD Police Department, the officer must, as soon as practical, request that the responding agency notify the EBRPD Communications Center. The Communications Center must then notify the on-duty patrol supervisor.

The initial law enforcement response to assist and search for an escaped prisoner should be coordinated by the supervising officer of the agency having jurisdiction over the location where the escape occurred, or is believed to have occurred. The transporting officer is responsible for any

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additional prisoners he/she is transporting. Therefore, in the event of an escape during transport, he/she should remain with the transport vehicle and any remaining prisoners. Extenuating circumstances may dictate a different course of action. Upon making the above notifications, and as soon as practicable, the officer should transport the remaining prisoners to their destination, or the nearest detention facility, as circumstances dictate.

Officers must complete an incident report before reporting off duty. Officers must follow all Department policies and procedures applicable to the Use of Force regarding any attempt to prevent an escape or to recapture an escapee. When the escape occurs in another area of jurisdiction, the authority of the transporting officer to take action in recovering the prisoner is dependent upon the powers officers have in that jurisdiction.

903.3.5 USE OF RESTRAINTS

Generally, any prisoner should be appropriately restrained to lessen the chance of escape or assault on others. When transporting prisoners for an extended distance or period of time, the officer should consider leg restraints and belly chains as a form of restraint.

903.4 SPECIAL TRANSPORT SITUATIONS

903.4.1 TRANSPORTING PRISONERS WITH ILLNESS OR DISABILITY

Personnel must take any prisoner who receives an injury during an arrest situation or while in custody, to a local hospital for treatment and obtain a medical release prior to transporting the prisoner to a detention facility.

In the event a prisoner requires emergency medical assistance during transportation, the transporting officer shall take appropriate actions to provide medical assistance as necessary and practicable. This may include emergency medical assistance being summoned to the prisoner's location, or deviation to an emergency medical facility. When practicable, officers should make every effort to ensure medical aid is rendered inside a secured custody facility or area.

Prior to transporting, officers shall take into consideration a prisoner's mental or physical disabilities when selecting a transport vehicle, restraint devices and seating position. Non-ambulatory prisoners or those requiring wheelchairs, crutches, or prosthetic appliances may not require the use of restraining devices in all instances. However, personnel must take every precaution to ensure the safety of employees and the prisoner.

During transportation, a sick or injured prisoner should wear handcuffs or other appropriate restraints as practicable, unless the handcuffs or other restraint could further compound the injuries. When this is the case, the officer shall notify an on-duty supervisor who may assign an additional officer to assist with the transportation, or take other/additional security precautions.

The transporting officer must return copies of all hospital paperwork, with attending physicians'/ nurse's signatures, to the jail with the prisoner. Officers will also attach a copy of the medical release form to their report.

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903.4.2 SECURITY OF PRISONERS AT MEDICAL CARE FACILITIES

When taking a prisoner to a local hospital for any reason, officers must ensure that the prisoner does not have access to other patients and that he/she is always under the control of the transporting officer.

If the prisoner requires admission to the hospital, the transporting employee must notify the on-duty supervisor of the circumstances.

If the supervisor decides it appropriate to use private security personnel as guards, he/she contacts the private security service under contract. The transporting officer must not leave the medical facility until the private security personnel arrive, or, he/she receives relief from another employee, or a supervisor orders otherwise.

The transporting officer should remove the prisoner's restraints only when it is absolutely necessary and the medical staff requests it.

Officers must not allow visitors, including telephone contacts to or by the prisoner.

Officers must attach a copy of the medical release form to the arrest report.

Prior to re-initiating transportation, officers shall search the prisoner and, if necessary, re-apply restraints.

903.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: 46.1.4, 70.1.1, 70.1.2, 70.1.3, 70.1.4, 70.1.5, 70.1.6, 70.1.7, 70.1.8, 70.3.1, 70.3.2, 70.3.3, 70.4.1, 70.4.2, 70.5.1

Effective: November 12, 2008

Revised: March 30, 2009; February 12, 2013

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the East Bay Regional Park District 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 East Bay Regional Park District 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 Support Services Lieutenant should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Support Services Lieutenant shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates 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)

(j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.4.2 SELECTION PROCESS COST

The cost of pre-employment testing and screening for all candidates is borne by the District. In addition, the District will pay for any fitness for duty examinations required for continued employment or as required by law.

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1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the East Bay Regional Park District Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Support Services Lieutenant shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Support Services Lieutenant should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Support Services Lieutenant should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall reference the Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation

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Manual. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Support Services Division Commander for final review and submission to POST (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.5.6 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 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

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Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Be legally authorized to work in the United States under federal law

(c) At least 21 years of age except as provided by Government Code § 1031.4

(d) Fingerprinted for local, state, and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)

(i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

1. Reading and writing ability assessment (11 CCR 1951)
2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

(j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)

(k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

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1000.7.2 STANDARDS FOR DISPATCHER
Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

(a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)

(b) An oral communication assessment (11 CCR 1958)

(c) A medical evaluation (11 CCR 1960)

1000.8 PROBATIONARY PERIODS

The Support Services Division Commander should coordinate with the East Bay Regional Park District Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

1000.9 APPLICABLE STANDARDS AND DATES

CALEA Standards:22.2.1,31.1.1, 31.2.1, 31.2.2, 31.2.3, 31.3.2, 31.4.1, 31.4.2, 31.4.3, 31.4.7, 31.4.8, 31.5.5

Effective: January 2004

Revised: March 2005; May 23, 2006; November 1, 2008; March 30, 2009; November 23, 2009; September 17, 2012; February 12, 2013; February 27, 2014; July 27, 2015; July 25, 2016; January 31, 2017; September 20, 2017; March 27, 2019; December 26, 2019; October 7, 2020; June 21, 2021; December 30, 2021; June 2, 2022; July 10, 2023

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The East Bay Regional Park District Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The guidelines outlined by the appropriate employee's MOU (Police Association, AFSCME, or Personnel Administrative Manual) should be followed when completing employee performance evaluations.

1002.2.1 INTENT AND IMPROVEMENT PLANS

It is not the intent of this policy that supervisors should wait for the annual evaluation to communicate with employees regarding their performance. Supervisors should have an ongoing dialog regarding these issues. In any event, no employee should be surprised at what is contained in his or her evaluation. Supervisors identifying deficiencies in performance should contact that employee as soon as possible regarding that deficiency, develop a plan, and assist the employee with feedback along the way.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

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Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 30 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1002.3.1 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

POSITION	EVALUATED EVERY 3 MONTHS	EVALUATED ANNUALLY	LENGTH OF PROBATION
Probationary, Sworn PA Employees	X		24 months
Non-Probationary, Sworn PA Employees		X	
Probationary, Non-Sworn PA Employees	X		18 months (Dispatchers) 1 year (all other Non-Sworn PA
Non-Probationary, Non-Sworn PA Employees		X	

Managers, AFSCME, temporary and seasonal employees will be evaluated according to their respective MOUs or PAM. Officers assigned to specialized units shall be evaluated at least annually.

1002.3.2 RESERVE EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy (§ 350).

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1002.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for a minimum of 6, 12, or 18 months, depending on their position, before being eligible for certification as permanent employees. An evaluation is completed at least quarterly for all full-time non-sworn personnel during the training period.

Entry-level and Academy graduate sworn personnel are on probation for 24 months before being eligible for certification as permanent employees. Lateral sworn employees are on probation for 18 months. Probationary officers and dispatchers are evaluated at least quarterly during the probationary period.

Entry level Police Officer/Helicopter Pilot recruits shall serve a 24 month probationary period, including the time period in the classification of Police Officer Recruit and then as a Police Officer/ Helicopter Pilot. Lateral Police Officer Helicopter Pilots shall serve a probationary period of 18 months.

Sworn employees who have recently completed their probation period will participate in an interview with available members of Command Staff. The purpose of the interview is to reinforce the East Bay Regional Park District Police Department's vision, mission, and values. The interview will also provide a consistent, unified message to employees and offer them a chance to clarify their role within the organization. The interview should occur as soon as possible after the completion of the probationary period, as scheduled by the Chief of Police.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed at least once each year by the employee's immediate supervisor. The evaluation shall be completed and submitted by the last day of the watch for which the performance appraisal covers.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

End of Probation - An Employee Performance Evaluation shall be completed at the end of the employee's probationary period. This evaluation shall be submitted prior to the last week of probation and articulate that the employee has passed probation or should not pass probation.

1002.5.2 RATING CRITERIA

Raters who are required to evaluate their personnel will complete the "Employee Performance Evaluation". The employee's performance will be evaluated for the previous six-month period. The definition of each rating category is as follows:

- **Outstanding -** Is performance well above established standards. It means results are clearly among the best in the Department or Unit and demonstrate exceptional skills.

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- **Exceeds Standards -** Is performance that exceeds expectations but not quite outstanding. Performance may meet or exceed established standards. Objectives are achieved at a high level.
- **Acceptable -** Is the performance of a fully competent employee. It means satisfactory performance that consistently meets the standards required of the position.
- **Improvement Needed -** Is performance below expected levels with a clear need for improvement. Direction, learning and supervision are required if performance objectives are to be achieved.
- **Unacceptable -** Is a level of performance well below expectations of a fully competent employee and are unacceptable. Performance objectives are not met, even under close supervision and substantial improvement by the employee is required.
- **Not Observed -** Is performance that was not observed by the rater during the rating period.
- **N/A -** Means the job dimension does not apply to this particular employee during this rating period.

Space for written comments is adjacent to each performance standard. This section allows the rater to verbalize employee strengths, employee weakness and suggestions for improvement. Any rating above or below "Acceptable" shall be substantiated in the rater comments section.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, it shall be forwarded to their supervisor for review. After review by the supervisor's superior, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor shall discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance shall be identified and discussed. The supervisor shall also provide career counseling relevant to such topics as advancement, specialty assignments, and training appropriate for the employee's position. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

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1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to District Department of Human Resources.

1002.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 32.2.10, 35.1.1, 35.1.2, 35.1.3, 35.1.4, 35.1.5, 35.1.6, 35.1.7, 35.1.8

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; November 1, 2008; March 30, 2009; May 6, 2009; November 23, 2009; February 18, 2010; July 22, 2010; February 1, 2012; January 31, 2017; November 20, 2018; March 14, 2019; September 12, 2019; October 7, 2020; May 25, 2023

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Specialty Assignments

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for special assignment within the ranks of the East Bay Regional Park District Police Department.

1003.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating a member of the East Bay Regional Park District Police department for transfer and special assignment:

(a) Presents a professional, neat appearance

(b) The member maintains a physical condition, which aids in their performance

(c) Demonstrates:

1. Emotional stability and maturity
2. Sound judgment and decision making
3. Personal integrity
4. Honesty
5. Leadership
6. Initiative

(d) Ability to confront and/or deal with issues both positive and/or negative

(e) Ability to conform to organizational goals and objectives

1003.1.2 TRAINING

Some specialty positions require additional training. Such training may include initial required training, update training, and supervised on the job training as applicable. Refer to the Master Training Plan for specific training requirements of each specialty assignment.

1003.2 SPECIALTY POSITION SELECTION PROCESS

The specialty positions listed in the Master Training Plan are considered transfers or special assignments and are not considered promotions.

1003.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for specialty positions. Additional requirements may apply to some positions.

(a) Two years experience

(b) Off probation

(c) Has shown an expressed interest in the position applied for

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(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.

1. Records Supervisor: RIMS, Records Law and Policy knowledge, strong interpersonal skills.

(e) Complete any training required by POST or law

1003.2.2 APPLICATION PROCESS

Members applying for a specialty assignment shall submit the requested written materials that may include the following:

(a) Last two performance evaluations

(b) A letter of interest from the applicant

(c) Endorsement from the applicant's immediate supervisor

1003.3 SELECTION PROCESS

The following process shall be followed:

(a) Support Services Staff will obtain and provide last two year's sick leave records to the Division Commander for whom the candidate will work, if requested.

(b) The required documents will be submitted to and reviewed by the Division Commander for whom the candidate will work.

(c) An interview will be conducted at the discretion of the Division Commander.

(d) An oral or written exercise may be conducted at the discretion of the Division Commander.

(e) Based on the review of the documents, interview, and exercise, the Division Commander will submit his/her recommendation(s) to the Chief of Police.

(f) Appointment will be made with approval of the Chief of Police.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1003.4 SPECIALTY ASSIGNMENT ROTATION GUIDELINES

Personnel may apply for any available assignments including re-application by the incumbent upon expiration of their term. Rotational guidelines for each identified specialty assignment are as follows:

(a) The following positions are subject to a limited duration as needed:

1. Narcotics Task Force Officer (NTF)
2. Recruit Training Officer/Sergeant - Academy Liaison
3. Sexual Assault Felony Enforcement (SAFE) Task Force

(b) The following positions are subject to a 3-year rotation:

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1. Criminal/Gang Intelligence Coordinator(s) (see also Policy 442)
2. Field Training Officer (with potential 3 year extension, see also Policy 436)
3. EBMUD JPA Sergeant
4. EBMUD JPA Officer
5. Police Services Technician I/II - Non-Patrol Position(s)

(c) The following positions are subject to a 4-year rotation:

1. Background Investigator
2. Communications Training Officer
3. Defensive Tactics Instructor
4. Detective and Investigation Sergeant
5. Driving Instructor
6. Electronic Weapons Instructor
7. Equestrian Officer
8. Field Evidence Technician (see also Policy 805)
9. Marine Officer
10. Motorcycle Officer
11. Professional Standards Unit Sergeant
12. Special Enforcement Officer and Sergeant
13. Tactical Flight Officer
14. Collateral Equestrian Officer
15. Recruitment Sergeant
16. Training Sergeant
17. Records Supervisor

(d) The following position is subject to a 5-year rotation:

1. Full-time Tactical Flight Officer

(e) The following positions are subject to a 6-year rotation:

1. Firearms Instructor
2. Rangemaster

(f) The following position is not subject to a rotation. Employees shall maintain qualifications to remain in this position:

1. Multi Agency Mobile Field Force (MAMFF)

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(g) Various adjunct duties may be performed without being listed as a specialty assignment. These assignments may or may not require specialized training and include, but are not limited to the following:

1. Evidence Technician Coordinator (see also Policy 805)
2. Field Training Officer Program Coordinator (see also Policy 436)
3. Peer Support Coordinator
4. Public Safety Student Aide Coordinator
5. Communications Training Officer Program Coordinator (see also Policy 816)
6. Naloxone Coordinator
7. Terrorism Liaison Officer

1003.5 ANNUAL REVIEW OF SPECIALIZED ASSIGNMENTS

The Operations Captain shall prepare an annual review of specialized assignments listed in § 1003.2. The review shall include:

(a) A listing of specialized assignments

(b) A statement of purpose for each assignment

(c) The evaluation of the problem or condition that required the implementation of the specialized assignment

(d) Evaluating the results of the specialized assignment to provide justification for continuing or discontinuing the specialized assignment

1003.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: 11.5.1, 33.6.1

Effective: May 23, 2006 (was 1004)

Revised: February 12, 2007; November 1, 2008; March 30, 2009; May 6, 2009; November 23, 2009; February 1, 2010; February 3, 2011, August 3, 2011; February 1, 2012; September 17, 2012; February 12, 2013; August 21, 2013; February 27, 2014; October 30, 2014; July 27, 2015; October 29, 2015; May 24, 2017; June 26, 2018; September 12, 2019; June 21, 2021; April 28, 2022; July 10, 2023

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Promotional and Transfer Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions within the East Bay Regional Park District Police Department.

1004.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

(a) Presents a professional, neat appearance;

(b) The member maintains a physical condition which aids in their performance;

(c) Demonstrates:

1. Emotional stability and maturity
2. Sound judgment and decision making
3. Personal integrity
4. Honesty
5. Leadership
6. Initiative
7. Ability to confront and/or deal with issues both positive and/or negative
8. Ability to conform to organizational goals and objectives

1004.1.2 PROMOTIONAL PROCESS

The following criteria apply to promotions. When a vacancy occurs, the Human Resources Department will post job openings on the bulletin board near the main staff entrance. The posting will be for no less than two weeks and should include the title, duties and minimum qualifications of the positions. Care should be given to notify eligible members who are on leave and would be available at the time of appointment. The Chief of Police may make a determination to open a promotional recruitment to include eligible candidates outside the members of the Department. The following steps serve as a guideline which may be altered by the Chief of Police:

(a) District application

(b) Supplemental questions

(c) Writing assignment (may be based on reading assignment)

(d) Written test (optional)

(e) Oral interview(s)

(f) Practical testing exercise (if appropriate)

(g) Staff review and input

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(h) Appointment by the Chief of Police

The District's Personnel Administrative Manual §17.01 governs District hiring policies and procedures.

1004.1.3 JOB RELATED TESTS
The testing and measurement process for promotions shall only consider issues that are job related.

1004.1.4 PROMOTIONAL REQUIREMENTS
Specifications for promotional opportunities are on file with the District's Department of Human Resources. The Support Services Lieutenant has the authority and is responsible for ensuring the coordination of promotions and transfers, and acts as the liaison with the Human Resources Department. Requirements and information regarding any promotional process are available at the East Bay Regional Park District Department of Human Resources.

1004.2 POLICY
The East Bay Regional Park District Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1004.3 APPLICABLE STANDARDS AND DATES
CALEA Standards: 26.1.1, 34.1.1, 34.1.2, 34.1.3, 34.1.4

Effective: January 2004

Revised: November 1, 2008; March 30, 2009; December 26, 2019

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Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- District rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1006.2 PROCEDURE

The Memorandum of Understanding between the East Bay Regional Park District and the Police Association will govern the procedure and timelines associated to grievances.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.4 GRIEVANCE RECORDS

The Chief's Secretary is responsible for coordinating the grievance procedure in accordance with the appropriate Memorandum of Understand and Human Resource Division Policies and Procedures. At the conclusion of the grievance process, all documents pertaining to the process shall be maintained in the office of the Chief in a secure file for all written grievances. A second copy of the written grievance may be forwarded to the Human Resources and/or Legal Divisions if warranted.

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1006.5 GRIEVANCE AUDITS

An annual audit of all grievances filed the previous calendar year shall be performed to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances.

1006.6 ANNUAL REVIEW OF GRIEVANCES

The Office of the Chief shall document an annual analysis of grievances filed during the previous calendar year.

1006.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 25.1.1, 25.1.2, 25.1.3, 33.7.1

Effective: August 22, 2008

Revised: March 30, 2009; February 18, 2010; February 3, 2011; February 12, 2013; August 21, 2013; July 27, 2015; October 7, 2020

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Anti-Retaliation

1008.1 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.

1008.2 POLICY

The East Bay Regional Park District 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.

1008.3 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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1008.3.1 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)).

1008.4 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 District Human Resources Manager.

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.

1008.5 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.

1008.6 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.

1008.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of the Chief for investigation pursuant to the Personnel Complaints Policy.

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1008.7.1 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).

1008.8 RECORDS RETENTION AND RELEASE

The Office of the Chief shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1008.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

1008.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: February 27, 2014

Revised: May 18, 2016; September 12, 2019; December 30, 2021

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Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1010.5.1 NOTIFICATION REQUIREMENTS

The Support Services Division Commander or designee 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 Support Services Division Commander or designee 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).

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1010.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: March 2005; May 23, 2006; July 1, 2008; November 1, 2008; February 18, 2010, February 3, 2011; September 17, 2012; August 21, 2013; September 20, 2017; October 7, 2020; December 30, 2021; July 10, 2023

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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.

1012.2.1 DISTRICT POLICY

This policy contains the concepts of the alcohol and drug policy contained in the District's Personnel Administrative Manual (PAM). For more information refer to the PAM and the Human Resources Policy and Procedures #15.

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 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103).

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The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 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.

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(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.

(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.

1012.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.4, 22.1.7, 26.1.1

Effective: January 2004

Revised: May 23, 2006; November 1, 2008; March 30, 2009; November 23, 2009, February 3, 2011; February 1, 2012; August 21, 2013; May 24, 2017; December 5, 2017, June 28, 2022; July 10, 2023

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the East Bay Regional Park District Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The East Bay Regional Park District 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.

1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO) or Infectious Disease Officer [IDO]. The ECO/IDO may 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).

(g) Coordination with the Department of Human Resources to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

The ECO/IDO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO/IDO may annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 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.

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(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1016.4.2 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).

1016.5 POST EXPOSURE

1016.5.1 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.

1016.5.2 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

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(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1016.5.3 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/IDO 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/IDO.

1016.5.4 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).

1016.5.5 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/IDO. If the ECO/IDO 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.

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(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO/IDO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO/IDO should seek the consent of the individual for testing and consult the District Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.6 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.

1016.7 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.

1016.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.7, 22.2.1

Effective: January 2004

Revised: May 23, 2006; July 1, 2008; November 1, 2008; May 6, 2009; February 18, 2010; July 22, 2010; February 3, 2011; August 3, 2011; July 27, 2015; May 18, 2016; June 26, 2018;July 10, 2023

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Smoking and Tobacco Use

1018.1 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 East Bay Regional Park District 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.

1018.2 POLICY

The East Bay Regional Park District 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).

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the East Bay Regional Park District 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 District facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1018.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

1018.5 PROHIBITIONS

Employees hired after January 1, 2009, shall not smoke or use tobacco products at any time while on duty. Employees hired prior to January 1, 2009, shall not smoke or use tobacco products in public view while on duty.

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1018.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: March 2005; November 1, 2008; March 30, 2009; February 1, 2012; May 18, 2016

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Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the East Bay Regional Park District Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1020.2 POLICY

The East Bay Regional Park District Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.2.1 INQUIRIES

Questions about conduct 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.

1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

1020.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander or Manager 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 Office of the Chief, 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 investigator or the Office of the Chief, such matters need not be documented as personnel complaints, but may be

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further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.3.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.4.1 COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other District facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly forwarded to the Office of the Chief. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to an on-duty 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).

1020.4.3 CORRESPONDENCE WITH COMPLAINANTS
The Office of the Chief will notify the complainant of receipt of the complaint, ensure that the complainant receives status notifications at least every 60 days, and inform the complainant of the final disposition as required and allowed by law. The Office of the Chief is responsible for

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informing the complainant of the investigator's name and the complaint number within three days after assignment.

1020.4.4 AVAILABILITY OF WRITTEN PROCEDURES
The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1020.4.5 HATE COMPLAINTS AGAINST PEACE OFFICERS
Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1020.5 DOCUMENTATION

Supervisors shall ensure that all formal 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 shall 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 shall audit the log and send an audit report to the Chief of Police or the authorized designee.

1020.6 ADMINISTRATIVE INVESTIGATIONS

The Office of the Chief of Police is responsible for administering the internal affairs process.Allegations of misconduct will be administratively investigated as follows:

1020.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall be at the direction of the Chief of Police.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    (a) The original complaint form will be directed to the Office of the Chief.
    (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, an oral report on the matter will be made to the the Chief of Police, who will initiate appropriate action.
(b) Responding to all complainants in a courteous and professional manner.
(c) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Chief of Police is notified via the chain of command as soon as practicable.

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(d) Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

1020.6.2 INVESTIGATOR RESPONSIBILITIES

The responsibilities of investigators include, but are not limited to:

(a) Investigating a complaint as follows:

  (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

  (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(b) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(c) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1020.6.3 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Office of the Chief, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the East Bay Regional Park District Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

  1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member

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may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

(l) An investigator may require an employee to participate in a lineup and/or submit to photographs for purposes of identification if probable cause exits to believe the employee has involvement in a criminal offense and the evidence is material to the investigation.

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1020.6.4 ADMINISTRATIVE INVESTIGATION REPORT FORMAT

Formal investigations of personnel complaints and the resulting reports shall be thorough, complete and essentially follow this format:

Background - Provide a brief summary of the facts giving rise to the investigation.

Investigation - Provide a detailed investigator's log including dates and actions taken.

Applicable Authorities - List the allegations separately, potentially including District or Departmental policies or procedures, and/or federal, state, or local laws.

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Analysis - Based on information discovered during the investigation a detailed review of the incidents)s) should be provided, including brief summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Findings - The investigator should interpret the elements of the investigation and a separate finding or disposition should be provided for each allegation.

Recommendations - A recommendation regarding further action should be provided. No recommendation regarding discipline should be included.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report. A synopsis of interviews conducted should be included.

1020.6.5 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.6.6 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall have the authority to report directly to the Chief of Police in regards to the investigation and shall proceed with due diligence in an effort to complete the investigation within the time period designated by the Chief of Police.All investigations must be completed within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

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1020.6.7 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1020.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member’s consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1020.7.1 DISCLOSURE OF FINANCIAL INFORMATION
An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1020.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1020.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

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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 East Bay Regional Park District Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1020.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1020.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

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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.

1020.10.3 TYPES OF DISCIPLINE

Disciplinary actions may vary in severity ranging from counseling and training to termination. In all cases the severity of the discipline should be determined with consideration of the actions of the employee and the recommendations made through the investigative process.

In determining the appropriate discipline,the imposing authority should consider if it will assist in correcting deficiencies in employee performance.

If oral reprimand, training, or counseling are determined to be appropriate discipline for the remediation of unwanted behavior or deficient performance, a supervisor will have the responsibility of conducting and documenting the discipline.

Punitive discipline shall be conducted in accordance with appropriate laws, policies, and employee rights. All forms of discipline shall be documented and if warranted, forwarded through the chain of command to the Chief of Police.

1020.10.3 ADMINISTRATIVE CLOSURE

The Chief of Police shall approve in writing all Administrative Closures of Internal Affairs investigations.Administrative Closure shall be used to close an administrative investigation only when any of the following are indicated:

a) Policy complaint, where the policy was properly implemented by a member, but the complainant believes the policy is inappropriate or not valid.This shall also be used when a complainant's concern is that the Department lacks a policy on a particular topic. Policy complaints will be tracked and monitored for the purpose of identifying trends and patterns, as well as for identifying a possible need for training and/or policy/procedure changes. The criteria/direction for determining a policy complaint are:

1. The case arises out of complaints involving District policy, not a member of the Department.

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2. The case is not a personnel complaint and a member will not be investigated as a subject of an internal affairs investigation.
3. As directed by the Chief of Police, the case will be forwarded to the Professional Standards Unit for policy evaluation.

b) Complaint is limited to a criminal or non-criminal citation, where there is no allegation of misconduct, in which case the complainant shall be referred to the appropriate competent authority (e.g. Court, Tow Hearing, Parking Citation Hearing).

c) Complainant wishes to withdraw the complaint being evaluated under this policy and the Chief of Police has determined there is no reason to continue the investigation.

d) The complaint lacks specificity, and the complainant refuses or is unable to provide further clarification necessary to investigate the complaint.

e) The subject was not employed by the District at the time of the complaint.

f) Complainant fails to articulate an act or omission which, if substantiated, would constitute a violation of law, policy, or procedure.

g) The allegation encompasses fact patterns that are clearly implausible or incredible, such as physically impossible.

1020.10.4 DISMISSAL PROCEDURE

In cases where an employee is dismissed from employment, the employee shall be provided with a written statement citing the effective date and the reason of dismissal per California Government Code § 3304(f). In addition, the Human Resources Division will provide the dismissed employee with a statement of the status of fringe and retirement benefits.

1020.10.5 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1020.10.6 NOTICE REQUIREMENTS

The disposition of any civilian’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

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(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1020.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have

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acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1020.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1020.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

(a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.

1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.

(b) Events that could affect an officer's POST certification, such as:

1. Complaints, charges, or allegations of 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 East Bay Regional Park District Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

1020.16.1 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

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(e) A summary of the alleged misconduct including:

1. A narrative of the allegations
2. Date and time of incidents
3. Location of occurrence
4. Any witness information, if available
5. Summary of arrest or indictment of involved officer

(f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)

(g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

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.

1020.16.2 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.

1020.17 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.2, 26.1.2, 26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.2.1, 26.2.2, 26.2.3, 26.3.1, 26.3.2, 26.3.3, 26.3.4, 26.3.6, 26.3.7, 26.3.8

Effective: January 2004

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Personnel Early Warning System

1021.1 PURPOSE AND SCOPE

The Department's Personnel Early Warning System (P.E.W.S.) is a proactive, non-disciplinary program designed to identify and positively influence conduct or performance-related problems exhibited by individual employees. The P.E.W.S. is intended to be a positive approach for supervisors and managers to address behavior before it results in discipline, lawsuits, injuries or other negative consequences.

Establishment and activation of a Personnel Early Warning System does not necessitate that the Department use this method prior to disciplinary proceedings for any particular event.

1021.2 REPONSIBILITIES

The Office of the Chief is responsible for maintaining and administering the Personnel Early Warning System. The Chief of Police has the responsibility to notify the appropriate Division Commander of any early warning issues needing to be addressed. At least once annually, the Chief of Police or his/her designee will conduct an audit of the Personnel Early Warning System.

The Division Commander notified by the Chief of Police, is responsible for ensuring an appropriate response is developed and carried out.

1021.3 EARLY INTERVENTION

The East Bay Regional Park District Police Department has established the following system which is designed to be highly secure at both the administrative and application levels. The components of the P.E.W.S. include:

(a) Performance Indicators;

(b) Identification and Selection;

(c) Intervention; and

(d) Follow-up Monitoring

1021.4 PERFORMANCE INDICATORS

Performance Indicators represent the category of employee performance activity that the East Bay Regional Park District Police Department has selected to monitor. Incidents used as indicators would fall into one of the following 7 categories:

- Reportable Use of Force (all types)
- Vehicle Pursuits
- Complaints
- Pitchess Motions

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- Discharge of a firearm or CED whether on or off duty and for reasons other than training
- Traffic Collisions (when the employee is driving an agency owned or leased vehicle)
- Observation of a noticeable change in job performance or behavior

1021.5 IDENTIFICATION & SELECTION

For most Performance Indicators, two (2) or more single category incidents or 3 or more incidents among all categories in a twelve-month period will result in an alert in the Personnel Early Warning System. In such a case, the Office of the Chief will advise the affected employee's Division Commander, manager and supervisor. This group will conduct a careful evaluation of any related documentation to determine if the employee's performance is problematic and requires intervention. A non-disciplinary interview with the employee may also be conducted. After a review, it may be determined that an intervention is not appropriate as the behavior did not require such. In either case, the Chief of Police will be made aware of the end disposition.

1021.6 INTERVENTION

If intervention is determined to be the course of action, the employee's supervisor will be responsible for developing a plan. The plan will include specific examples of what performance requires improvement as well as the performance expectations. The plan will also identify the activities, support systems, and resources that will be provided to assist the employee. The supervisor will consult with the employee to obtain their input when developing the intervention plan. The supervisor, manager and Division Commander will determine the amount of time that the intervention plan will be in place. The supervisor will provide the manager and Division Commander with monthly updates on the employee's performance.

Intervention may include but is not limited to training, counseling (may include formal, peer, or district employee assistance program), departmental changes or voluntary reassignments.

1021.7 POST-INTERVENTION MONITORING

Once the intervention plan has been completed, the employee's performance shall be monitored by the employee's supervisor on a bi-annual basis to ensure that the plan has been successful. This review should generally last for a twelve-month period, but may be more or less depending upon the circumstances.

1021.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.7, 35.1.9

Effective: November 12, 2008

Revised: March 30, 2009; November 23, 2009; February 18, 2010; October 29, 2015; July 26, 2018

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Seat Belts

1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1022.2 POLICY

It is the policy of the East Bay Regional Park District Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1022.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.4 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).

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1022.5 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1022.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1022.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

1022.9 APPLICABLE STANDARDS AND DATES

CALEA Standard: 41.3.3

Effective: January 2004

Revised: November 1, 2008; March 30, 2009, February 3, 2011; August 3, 2011; February 1, 2012; September 17, 2012; July 25, 2016; July 10, 2023

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Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide field personnel with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the East Bay Regional Park District Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Support Services Lieutenant shall ensure that body armor is issued to all officers when the officer begins service at the East Bay Regional Park District Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services Lieutenant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

1. Officers are authorized to purchase and utilize the external vest carrier approved by the department. The vest carrier shall be black in color and the specifications shall be made by the current approved vendor designated by the Chief of Police. Officers have the option to configure their equipment with the exception that their firearm remains on the duty belt. Magazines carried by officers may be affixed to the external vest carrier so long as:

   (a) Magazine pouches shall be affixed securely to the officer's carrier.

   (b) Magazine pouches shall be carried on the lower most portion of the carrier, at or just above the officer's belt line, and to the front side of the officer's torso where they would normally have carried it on their duty belt.

2. Only officers assigned to the Air Support Unit may configure the equipment on the vest to include their approved firearm.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action. The department encourages all on duty officers to wear soft body armor.

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(c) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(d) Plainclothes officers and investigators are required to wear soft body armor when engaged in the planned apprehension of a dangerous suspect or service of search warrant until the situation is stabilized.

(e) When officers are assigned to a SWAT Operation, stakeout, service of a felony arrest warrant(s), or, are serving a search warrant at a location where there is reason to believe a felony suspect may be present, the wearing of body armor is mandatory.

1. A stakeout, for purposes of this section, is a preplanned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

(f) Community Service Officers and Public Safety Student Aides who are assigned to patrol operations shall wear issued soft body armor.

(g) Officers may be excused from wearing body armor in the following circumstances:

1. When they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action

2. When they are involved in undercover or plainclothes work that their 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.

3. while on active boat operations. The officer shall however keep body armor readily available onboard.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by the person to whom it has been issued for fit, cleanliness, and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

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Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1024.4 PERSONNEL AND TRAINING UNIT RESPONSIBILITIES

The Training Unit should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

1024.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: 41.3.5, 41.3.6

Effective: January 2004

Revised: March 2005; November 1, 2008; March 30, 2009; July 22, 2010; August 3, 2011; September 17, 2012; August 21, 2013; July 27, 2015; May 18, 2016; November 20, 2018

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Peer Support/Critical Incident Stress Management Program

1025.1 PURPOSE AND SCOPE

It is the policy of the East Bay Regional Park District Public Safety Division to assist and support employees who have been involved in a critical incident, or are experiencing acute or chronic stress. This support may include, but is not limited to:

(a) traumatic event/critical incident education

(b) use of Peer Support Team or individual Peer Support Team members

(c) defusing and/or debriefing activities

(d) support of family members

(e) referral to appropriate professional resources

The purpose of the Peer Support/Critical Incident Stress Management Program is to minimize the physical, emotional, and psychological reactions to stress, and to provide necessary and appropriate resources, information on employee benefits and help and guidance for employees and their families who have been involved in a critical incident, injury or death or are experiencing acute or chronic stress.

This program is not intended in any way to supersede access to the District's employee assistance plan.

1025.2 DEFINITIONS

(a) Traumatic Event/Critical Incident: Directly experiencing or witnessing actual or threatened death or serious injury or experiencing a threat to one's own physical integrity or the physical integrity of someone else. Any event that may temporarily overwhelm an individual's usual methods of coping or produce unusually strong reactions. Examples include, but are not limited to:

1. Officer Involved Shootings
2. Public Safety employee death
3. Serious injury to employee(s)
4. Employee suicide
5. Traumatic death, serious injury or significant event involving a child
6. Victim personally known to employee
7. Multiple homicides
8. Death of person in police custody
9. Drowning

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10. Injury or death of a civilian as a result of operational procedures

(b) Individual Reactions to a Traumatic Event: It is important to note an individual's reaction to a traumatic event is individual-specific based on the totality of circumstances in that individual's life (e.g. the degree of involvement, cumulative events, personal similarities with event, children, etc.).

(c) California Peer Support Association (CPSA): CPSA is a professional and educational organization, dedicated to the advancement, promotion and enhancement of peer support and peer support programs for law enforcement, fire and allied emergency service personnel.

(d) International Critical Incident Stress Foundation (ICISF): ICISF is a worldwide organization dedicated to the prevention and mitigation of disabling stress through education, training and support services for all emergency services professions.

(e) Peer Support Team: A team comprised of East Bay Regional Park District Public Safety Division employees who will provide support and referral to employees to prevent and mitigate the negative impact of stress.

(f) Peer Support Team Member: An employee trained to provide support and referrals for employees of the East Bay Regional Park District Public Safety Division.

(g) Peer Support Team Coordinators: A supervisor will be appointed by the Chief of Police, who will coordinate team training, communicate with the team's designated Mental Health Professional, ensure appropriate team deployment, track follow-up services, and perform other administrative duties related to the Peer Support Team.

(h) Team Manager: The Support Services Lieutenant will be responsible to provide overall management and direction over the budget, training, and deployment of the Peer Support Team.

(i) Mental Health Professional: A licensed mental health professional who has specific expertise, experience, education and training in the field of critical incident stress management with special emphasis on public safety personnel, who is a designated consultant retained by the East Bay Regional Park District Public Safety Division for the Critical Incident Stress Management Program.

(j) CISD: Critical Incident Stress Debriefings, Defusings and/or Demobilizations: Different types of meetings designed to mitigate the psychological impact of a traumatic event, prevent the subsequent development of post-traumatic stress disorder, and serve as an early identification mechanism for individuals who may require professional mental health follow-up.

(k) Debriefings, Defusings and Demobilizations are structured group meetings or discussions during which personnel are given an opportunity to discuss their thoughts and reactions concerning a traumatic event in a controlled environment under the direction of a mental health professional and/or peer support personnel.

1. Debriefing: The debriefing is a process that should be conducted within 72-hours of the traumatic event. It is led by a qualified mental health professional assisted by Peer Support Team members.

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2. Defusing: A shortened version of the debriefing, generally lasting less than one hour. A defusing is a process that should take place as soon as possible after the traumatic event (usually within 3-8 hours, and ideally before the end of shift). The defusing may be used to determine the need for debriefing and/or other services, and are typically conducted by a Peer Support Team member.

3. Demobilization: A brief informational session applied when operational units have been released from service at a major incident/disaster that requires unusually large numbers of personnel or lengthy periods of deployment. It serves a secondary function as a screening opportunity to assure that individuals who may need assistance are identified early after a traumatic event.

(l) Peer Support: A process by which trained personnel provide emotional support and referrals for a colleague during a crisis or when they are under stress. Generally, peer support is sought by the employee in need, or suggested by the employee's peer(s) or supervisor(s). Peer support does not replace the need for structured group intervention following a critical incident. Peer support is a necessary adjunct to professional mental health services. Peer support is not a replacement for the Department's contracted Employee Assistance Program (EAP).

(m) Employee Assistance Program (EAP): The East Bay Regional Park District Employee Assistance Program is a consulting/counseling service for a variety of personal issues, separate from traumatic events experienced in the line of duty. The EAP is a provided benefit to all permanent District employees and provides services such as counseling, legal consultation, financial services, dependent care referrals, discounted access to treatment programs, and referral to community resources.

(n) Chaplain Program: The East Bay Regional Park District Public Safety Chaplain Program is established for the purposes of providing spiritual and emotional support to all member of the Department, their families and member of the public as outlined in §376 of this manual. This program may also be utilized for employee support and assistance during a Critical Incident or for Stress Management.

1025.3 INITIATION OF GROUP PEER SUPPORT TEAM RESPONSE

(a) Trauma takes a variety of forms and cannot be accurately or exhaustively quantified by description. However, certain events are of such magnitude that they impact nearly everyone involved. When such incidents occur a Peer Support/Critical Incident response may be initiated. For purposes of East Bay Regional Park District Public Safety Division response criteria, these incidents are defined as follows:

1. Line of duty death
2. Serious line of duty injury
3. Suicide of a Public Safety employee
4. Off-duty employee death
5. Disaster
6. Multi-casualty incident

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7. Officer-involved shooting

(b) Additional incidents that may warrant group Peer Support/Critical Incidient reponse team call-out include, but are not limited to:

1. Death of a person in police custody
2. Serious injury or death of a civilian as a result of operational procedures
3. Significant events involving children
4. Victim of serious crime or accident known to employee(s)
5. Excessive media interest portraying employee(s) in a negative manner

(c) The Watch Commander and/or Incident Commander shall see that the Peer Support Team Coordinator is notified. The Peer Support Team Coordinator will notify the team's contracted Mental Health Professional for consultation. The type of intervention and response will be assessed and if appropriate, a Peer Support/Critical Incident Team response will be initiated.

(d) In consultation with the Support Services Lieutenant, the Peer Support Team Coordinator will discuss the possibility of a group Critical Incident Stress Debriefing/ Defusing/Demobilization (CISD) with the appropriate manager, who will make the final determination.

(e) The CAD command of "SI Peer Support" will list the notification protocol and Peer Support Team members available for call-out.

(f) The effectiveness of this program is dependent upon a consistent, Departmental response to traumatic events, to reduce the physical, psychological and emotional impact of such events upon our employees, and to mitigate the effects of post-traumatic stress.

(g) The critical incident stress debriefing or defusing (CISD) should include all Public Safety personnel directly involved in the incident.

(h) While a non-affected employee may be required to attend a CISD, active participation is not mandatory. However, employees are reminded that non-affected or moderately-affected employees may have vital information/perspective that could help a fellow employee better understand an incident.

1025.4 INITIATION OF INDIVIDUAL PEER SUPPORT RESPONSE

(a) One-on-one peer support is the crux of this program, with group intervention being used only for the most traumatic events. Any employee in need of peer support assistance may contact a Peer Support Team member of their choosing for such support. Peer Support Team members' contact information shall be available via CAD by entering "SI Peer Support."

(b) Members of the Peer Support Team shall not engage in psychological or personal counseling as defined in Business & Professions Code Section § 2903, and shall refer employees to professional assistance when appropriate. Examples of situations requiring professional referral include, but are not limited to:

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1. Alcohol and/or substance abuse issues
2. Suicidal thoughts or extreme depression
3. Relationship issues

(c) Members of the Peer Support Team should contact the Field Operations Commander or Support Services Lieutenant for law enforcement-related issues that require professional referral to the Mental Health Professional outside of EAP.

1025.5 TEAM COMPOSITION

(a) The East Bay Regional Park District Public Safety Department Peer Support Team is comprised of personnel representing police, fire, lifeguards, dispatch, and volunteers, who have specialized training in assisting peers and their families with the immediate adverse effects of a traumatic event.

(b) Peer Support Team members should be available on a 24-hour basis.

(c) Being a member of the Peer Support/Critical Incident Response Team is voluntary. In most cases, peer support should take the form of an on-duty meeting of a relatively short duration. Prolonged peer support, such as debriefings or defusings, should be scheduled on-duty when possible.

(d) Peer Support/Critical Incident Response Team members shall be compensated only under the following circumstances, and only with the prior approval of their supervisor:

1. Scheduled team training
2. Mandatory meetings
3. CISD's

1025.6 TEAM SELECTION AND REQUIRED TRAINING

(a) Peer Support/Critical Incident Stress Management Team members will be chosen based on the following criteria:

1. Expressed desire to be a member of the Team
2. Minimum commitment of three (3) years
3. No work restrictions involving psychological stress
4. Must be a member of the East Bay Regional Park District Public Safety Department who has successfully completed probation
5. Must consistently display solid judgment and discretion in sensitive matters
6. Must display empathy and have strong interpersonal communication skills

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7. Team selection will be reviewed by Command Staff with the final selection by the Chief of Police

(b) Peer Support/Critical Incident Response Team members should receive the following training within the first 12-months of appointment:

1. a Basic Peer Support/Critical Incident Stress Management course

(c) Team members may also receive the following training:

1. Intermediate or advanced Peer Support course
2. Intermediate or advanced Critical Incident Stress Management course
3. COPS Traumas of Law Enforcement course

(d) Peer Support Team members should also attend quarterly in-house team training with the teams' Mental Health Professional(s) (minimum of 4-hours)

(e) The Training Sergeant in coordination with the Team Coordinator shall be responsible for applying for East Bay Regional Park District Public Safety Division Team membership and/or certification through CPSA and/or ICISF.

1025.7 CONFIDENTIALITY

(a) A critical responsibility of Peer Support/Critical Incident Response Team members is the promotion of trust, anonymity and confidentiality. Therefore, communications between a Team member and an employee being assisted are considered privileged and confidential by the Division except under the following circumstances:

1. Criminal Acts are involved, or
2. The employee, through words or actions, indicates that there is a clear and present danger to himself/herself, citizen(s), or fellow employees, or
3. Any circumstances in which mandated reporting laws take precedence

(b) Although the Division will honor the sensitivity of communications with team members, there is no legal privilege to such. Team members are cautioned against discussing the facts of any incident with an involved or witness officer. (§310.5.5 of this Policy)

(c) Peer Support/Critical Incident Response Team members have no legally protected privilege of patient confidentiality in regards to court testimony. Team members shall not make or maintain any notes of their communications. Statistics will be maintained on Team responses, but content and nature of conversation(s) will be specifically excluded.

(d) A violation of confidentiality, except as mandated by law, is grounds for immediate removal from the Peer Support/Critical Incident Response Team. The Team Coordinator, Team Manager, or the Team Mental Health Professional may recommend removal of any Team member to the Chief of Police whose decision shall be final.

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1025.8 ANNUAL REVIEW

An annual review of the program activities will be conducted including any recommendations for modification.

1025.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.4, 22.1.5, 22.1.7

Effective: August 3, 2011

Revisions: February 1, 2012; February 12, 2013; August 21, 2013; May 24, 2017, June 2, 2022

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Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1026.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently retained.

(e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).

2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).

3. A civilian’s complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).

2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1026.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Office of the Chief. Access to these files may only be approved by the Chief of Police.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1026.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the General Manager, District Counsel or other attorneys or representatives of the District in connection with official business.

1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

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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.

1026.8.2 RELEASE OF PERSONNEL INFORMATION
Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1026.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION
Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1026.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS
Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1026.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Office of the Chief 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.

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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.
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,

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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)).

1026.9.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1026.9.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

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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

1026.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due 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.

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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)).

1026.10 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

1026.10.1 "BRADY BANK" COMPLIANCE (ALAMEDA COUNTY)

To help ensure the Alameda County District Attorney's Office (hereinafter "ACDA") is able to comply with its Brady discovery obligation, the ACDA has a "Brady Committee" consisting of senior members of the ACDA. The Brady Committee will be relying on the Law Enforcement Agency Administration to alert the ACDA to background information about an employee of the Law Enforcement Agency that may potentially constitute Brady information. It is hereby agreed by the Law Enforcement Agency and the ACDA, the following:

1. All departments are responsible for ensuring that Brady information known to the department is conveyed to the ACDA. The information that may potentially constitute Brady information is listed in paragraphs 2-6.

2. If a Law Enforcement Agency is aware an officer has been arrested for criminal conduct involving "moral turpitude", this information should be conveyed to the ACDA. A list of crimes that have been held to involve "moral turpitude" will be made available upon request. Prosecutors are also available to assist agencies in helping to determine whether criminal conduct involves moral turpitude.

3. If an officer has a prior felony conviction, regardless of whether the conviction involves moral turpitude, this information should be conveyed to the ACDA.

4. If an officer is currently on probation (or parole) for any crime, this information should be conveyed to the ACDA. Absent unusual circumstances, once probation is terminated, the officer or employee shall be removed from the Brady Bank.

5. If an officer has currently pending charges of any nature, this information should be conveyed to the ACDA.

6. To help ensure the information designated in paragraphs 2-5 is provided, all agencies should ensure that a member of the agency has a designated person to monitor and receive subsequent arrest reports from the Department of Justice pursuant to Penal Code section 11105.2 and/or monitor and review accessible Department of Justice or local criminal history records.

7. If the officer has been the subject of an investigation by the Department, irrespective if the investigation is conducted by Internal Affairs, and the investigation results in a finding that the officer engaged in conduct that potentially constitutes Brady information (i.e., information bearing on an officer's credibility or character that could reasonably be deemed favorable, material

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evidence in a particular case), and the information is maintained in any agency file, including the officer's personnel file, the agency should alert the ACDA to the name of the officer. It is not necessary to provide details -just sufficient information to allow the ACDA to file a Brady/Pitchess motion for release of the information if the officer becomes a witness.

8. Upon receipt of the name of any sworn officer or other employee of the Law Enforcement Agency, the Brady Committee will place the officer on a preliminary alert list. No further action will be taken towards moving the officer into the Brady Bank until the officer is actually subpoenaed for a pending case - unless the officer wishes to preemptively challenge inclusion on the preliminary alert list. Once an officer is subpoenaed, the ACDA will file a Brady/Pitchess motion asking the court to review the officer's personnel file for the existence of Brady information (i.e., the type of information listed inthe MOU). The Brady Committee will then review any materials released from the officer's personnel files (as described in paragraph 6) and/or the materials described in paragraphs 2-5 to determine whether the information may constitute Brady material and should be included in the Brady Bank. If the information is determined to be Brady material and there is a pending case where the officer is a witness, the People will then re-submit any information released to the People as a result of the Brady/Pitchess motion to the court in camera so that it may disclosed subject to a protective order. In addition, any information acquired from the Law Enforcement Agency described in paragraphs 2-5 will be treated as official information. That information will not be further disclosed unless the ACDA has sought a protective order limiting use of the information to the particular case in which the officer is testifying as a witness.

9. The Brady Committee members shall be available to all Law Enforcement Agencies for advice and consult regarding potential Brady materials. Law Enforcement Agencies may submit hypothetical questions and/or situations to any of the Brady Committee members who can advise whether the information in the agencies' files constitutes potential Brady information.

10. Law Enforcement Agencies are encouraged (but not required) to retain any potential Brady material regardless of any time limitations imposed by the Pitchess scheme or alert the ACDA to potential destruction of such records.

11. The ACDA will provide a list of officers to the employing agencies identifying officers who are eligible for and/or have been included in the Brady Bank.

12. Any officer wishing to challenge his/her or inclusion on the Brady alert list or Brady Bank, may do so in accordance with the attached "PROTOCOL FOR CHALLENGING INCLUSION IN THE ACDA BRADY BANK."

1026.11 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

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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.

1026.12 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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1026.13 APPLICABLE STANDARDS AND DATES

CALEA Standards: 26.1.8, 26.2.2

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; July 1, 2008; November 1, 2008; March 30, 2009, February 3, 2011, August 3, 2011; February 12, 2013; August 21, 2013; July 27, 2015; May 18, 2016; September 20, 2017; March 27, 2019; December 30, 2021; June 2, 2022; July 10, 2023

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Employee Recognition and Awards

1029.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the recognition of exceptional employee performance.

1029.2 RECOMMENDATIONS FOR RECOGNITION

A written recommendation may be made by any supervisor of the Department regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being recognized. Additionally, investigating officers may recommend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend recognition to the supervisor of another employee.

1029.3 MERITORIOUS ACTIONS

A meritorious act by an employee of this department may include, but is not limited to, the following:

(a) Superior handling of a difficult situation by an employee

(b) Conspicuous bravery or outstanding performance by any employee of the Department

(c) Any action or performance that is above and beyond the typical duties of an employee

1029.3.1 COMMENDATIONS

A memo shall be written to document the commendation of the employee and shall contain the following:

(a) Employee's name, Division, 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

An EBRPD PD Transmittal form along with the completed commendation letter shall be forwarded to the appropriate Division Commander for his/her review. The Division Commander shall sign and forward the report to the Police Chief for his/her review. The Police Chief may then issue the commendation to the employee. A copy of the commendation letter will then be returned to the Chief's Secretary for entry into the employee's personnel file.

1029.4 TYPES OF AWARDS

1029.4.1 DISTINGUISHED SERVICE MEDAL

The Distinguished Service Medal is the Department's third highest award. It may be awarded to employees who distinguish themselves, either by performing a single act that is outstanding,

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or by performing a series of actions that are outstanding, often over a consistent period. The Distinguished Service Medal differs from the Medal of Merit in that:

(a) Generally, there was no immediate threat to the employee's life or safety

(b) In the case of outstanding service, it will be awarded for a somewhat lesser degree of achievement

(c) Whereas the Medal of Merit recipient shall have contributed greatly to the overall operation of the Department, the Distinguished Service Medal may have impacted a smaller portion of the Department's Operation

(d) The Distinguished Service Medal is a higher honor than a commendation. Generally, the recipient of the Distinguished Service Medal will combine a particular outstanding action with a consistently high level of performance

(e) The Distinguished Service Medal shall be silver with a green ribbon

1029.4.2 MEDAL OF MERIT

The Medal of Merit is the Department's second highest award. It may be awarded based on the following criteria:

(a) The action shall have been one of conspicuous bravery and/or heroism in an extremely hazardous situation, above and beyond the normal call of duty

(b) By such action, the employee placed himself/herself in imminent danger that could have resulted in injury or death

(c) By such action, the employee did not place innocent bystanders in imminent danger of injury or death

(d) The action was not foolhardy

(e) The need for action was not a result of the employee's use of poor judgment or procedures

(f) An action of heroism or bravery is not in and of itself grounds for awarding the Medal of Merit

(g) The Medal of Merit shall be gold with a blue ribbon

1029.4.3 MEDAL OF VALOR

The Medal of Valor is the Department's Highest Award. It shall be based on the following criteria:

(a) The action shall have been one of conspicuous bravery and/or heroism in an extremely hazardous situation, above and beyond the normal call of duty

(b) By such action, the employee voluntarily placed himself/herself in imminent danger that could have resulted in injury or death

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(c) By such action, the employee did not place innocent bystanders in imminent danger of injury or death

(d) The action was not foolhardy

(e) The need for action was not a result of the employee's use of poor judgment or procedures

(f) An action of heroism or bravery alone is not in and of itself grounds for awarding the Medal of Valor

(g) The Medal of Valor shall be gold with a red ribbon

1029.4.4 PUBLIC SAFETY MEDAL OF VALOR ACT

The Department recognizes that the Governor may award one or more law enforcement officers, California's Medal of Valor for extraordinary valor above and beyond the call of duty during the preceding twelve month period. To that end, the Chief of Police may nominate an officer who receives the Department's Medal of Valor (as described in § 1030.43) for consideration in accordance with The Public Safety Officer Medal of Valor Act (Government Code § 3400 et. seq.).

1029.4.5 LIFESAVING AWARD

The Lifesaving Award may be awarded to persons who have acted in the furtherance of human life. It may be awarded based on the following criteria:

(a) May be awarded to any person directly involved in the action.

(b) The action shall be exceptional and in emergency and/or extraordinary conditions.

(c) Use of tactical skills or verbal approaches to de-escalate a situation that has the potential for a deadly force outcome may be considered, if the outcome results in sustaining human life.

(d) An act of CPR or other approved lifesaving measure will only constitute recognition under the Lifesaving Award if, in fact, a life was saved.

(e) The Lifesaving Award shall be silver with a red and white ribbon.

1029.5 APPLICABLE STANDARDS AND DATES

CALEA Standard: 26.1.2

(Formerly 1030 Effective: January 2004)

Effective: May 23, 2006

Revised: July 1, 2008; November 1, 2008; November 23, 2009; July 22, 2010; December 5, 2017; September 12, 2019; October 7, 2020

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Fitness for Duty

1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1032.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. 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.

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Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the appropriate MOU (Police Association or AFSCME).

1032.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.2.1, 22.2.2, 26.3.6, 26.3.7

Effective: January 2004

Revised: February 12, 2007; July 1, 2008; November 1, 2008; February 18, 2010; July 25, 2016

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Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all District employees that has been established by the General Manager.

1034.1.2 MEAL PERIODS

Sworn employees and Dispatchers shall remain on duty, subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor. Sergeants, officers, detectives, and student aides will advise dispatch of the exact location of their meal break.

Uniformed officers shall request clearance from Communications prior to taking a meal period. Uniformed officers shall take their breaks within their assigned area.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.3 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios.

1034.2 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: May 23, 2006; November 1, 2008; March 30, 2009

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Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; 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.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; 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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1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1035.5.1 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).

1035.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: August 02, 2007

Revised: February 3, 2011; August 3, 2011, March 31, 2020

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Payroll Records

1036.1 PURPOSE AND SCOPE

Payroll records (time cards) are submitted to the Finance Division on a bi-weekly basis. This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1036.2 POLICY

The East Bay Regional Park District Police Department maintains timely and accurate payroll records.

1036.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages. Supervisors are responsible for approving the payroll records for those under their commands.

1036.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Support Services as established by the District payroll procedures.

1036.5 RECORDS

The Support Services Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

1036.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: July 1, 2008; November 1, 2008; August 3, 2011; December 26, 2019

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Long Term Military Activation of Department Members

1039.1 PURPOSE AND SCOPE

Military reservists and members of the National Guard are vital components of our nation's security against foreign and domestic threats. The East Bay Regional Park District Police Department recognizes and encourages the contribution of these service men and woman.

1039.2 POLICY

The East Bay Regional Park District Police Department will abide and guarantee all reemployment rights afforded to members by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

1039.3 PRE MILITARY ACTIVATION OF MEMBERS

In the event of long term (excess of 180 days) Reservist or National Guard activation, the East Bay Regional Park District Police Department will develop a method of regular contact between the member and the Training Sergeant or designee. This plan will accommodate the specific needs of the member and will include an exit interview with the Chief of Police or designee, storage of department issued equipment, and issuing and/or authorizing necessary equipment for regular contact such as a calling card, phone, or device.

Prior to Deployment, the service member will meet with the Training Sergeant to ensure that all administrative matters are in order within the Department and the District to include human resource, payroll and benefit needs.

1039.4 REINTEGRATION AND POST DEPLOYMENT

Once the service member has been released from service and is ready to return to work, the service member will:

(a) Meet with the Training Sergeant or designee to ensure all necessary paperwork has been processed for human resources, payroll and benefits.

(b) Meet with the Chief of Police or designee.

(c) Receive previously issued equipment or be issued new equipment as needed.

(d) Be reintegrated, retrained and requalified as necessary before being required to return to their duty assignment.

1039.5 APPLICABLE STANDARDS AND DATES

CALEA Standard: 22.1.9

Effective: October 29, 2015

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Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

The Office of the Chief will be the central clearinghouse for all outside employment requests. The permits for outside employment are maintained by the Secretary to the Chief of Police.

When approved, a copy of the permit shall be placed in the employee's permanent personnel file, and a copy shall be provided to the employee's immediate supervisor who shall oversee adherence to the regulations set forth in this policy.

1040.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

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All outside work permits shall expire each year on December 31 and must be renewed annually.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee’s use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee’s receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee’s duties as a member of this department

(c) Involves the performance of an act in other than the employee’s capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

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(d) Involves time demands that would render performance of the employee's duties for this department less efficient

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime

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or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work

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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 District's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the East Bay Regional Park District Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

1040.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.2.4

Effective: January 2004

Revised: March 2005; May 23, 2006; November 1, 2008; March 30, 2009; November 23, 2009

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Occupational Disease and Work-Related Injury Reporting

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1042.1.1 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.).

1042.2 POLICY

The East Bay Regional Park District Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1042.3 RESPONSIBILITIES

1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1042.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Districtwide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification policy applies and take additional action as required.

1042.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the District's risk management entity, and the Support 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.

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1042.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1042.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Support Services 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.

1042.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1042.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the District to determine whether the offered settlement will affect any claim the District 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 District's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

1042.6 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 2004

Revised: May 23, 2006; February 12, 2007; July 1, 2008; November 1, 2008; November 23, 2009; May 18, 2016; March 27, 2019, March 31, 2020; June 21, 2021

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Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

All hair, including facial hair, must be neat and professional in appearance. The style must not present an officer safety hazard.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

A groomed and neatly trimmed mustache, goatee, or beard is authorized. Beards must be worn with a mustache and must not exceed one-quarter (¼) inch in length. No portion of the beard may be exceptionally longer than the rest. Exemptions of this policy may be made by the Chief of Police or their designee.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, the fingernails of sworn personnel and non-sworn field personnel shall be trimmed so that no point of the nail extends beyond the tip of the finger.

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1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Members shall be permitted to wear earrings while on-duty and in uniform, subject to the following conditions:

- No more than one pair of earrings may be worn at one time.
- The earrings must be non-dangling, modest sized post earrings.
- The earrings must be black, gold, silver or clear stone.
- The display and appearance of the earrings must be uniform. For example, mixing designs or colors, or wearing an earring on only one earlobe is prohibited.
- The earrings must not extend below the earlobe.

Only one ring may be worn on each hand of the employee while on-duty. In the event that any personally owned jewelry items, worn on duty, are lost or damaged, it will not be the responsibility of the East Bay Regional Park District to replace or repair the items.

1044.3 TATTOOS

A. POLICY

Subject to the limitations set forth herein, while on duty, members may display TATTOOS, BRANDING, SCARIFICATION, MEDICAL TATTOOS, and/or COSMETIC TATTOOS while in uniform or other Department-approved work attire.

B. DEFINITIONS

1. BRANDING – Intentional burning of the skin for the purpose of creating a design, form, figure, or art.

2. COSMETIC TATTOOS – A cosmetic technique that employs TATTOOS as a means of producing designs that resemble conventional, removable makeup, such as eyeliner, eyebrow darkening, and other coloration of the face, lips, and eyelids.

3. INTENTIONAL DISFIGUREMENT – The intentional disfigurement or mutilation of the body. Examples include, but are not limited to, split or forked tongues, foreign objects inserted under the skin, or holes in the ear that exceed 18g, or 1mm, or 0.040 inches.

4. MEDICAL TATTOOS – A TATTOO applied for medical purposes. Examples of a MEDICAL TATTOO include, but are not limited to, a warning that the patient suffers from a chronic disease, or a "marker" to aid medical or emergency personnel in performing a medical procedure.

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5. SCARIFICATION – Intentional cutting of the skin for the purpose of creating a design, form, figure, or art.

6. TATTOO – Marking of the skin with indelible designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment.

C. EXCEPTIONS TO THE POLICY

1. TATTOOS applied to the head, face, or neck may not be displayed while on duty. However, COSMETIC TATTOOS are permitted so long as they do not violate any other Public Safety and/or East Bay Regional Park District ("Park District") Policy, and so long as they are similar in appearance to conventional, removable makeup.

2. Intentional disfigurement may not be displayed while on duty.

3. BRANDING, SCARIFICATION, and TATTOOS of objectionable content may not be displayed. Such objectionable content includes, but is not limited to:

(a) Content that violates Human Resources Policy #18 or Policy 328 Discriminatory Harassment, and content that exhibits or advocates discrimination or harassment towards any protected class including but not limited to: gender, race, disability, religion, sexual orientation, age, ethnicity or national origin;

(b) Content that indicates affiliation, or is associated, with criminal gangs, racial supremacist groups, or organized groups that advocate for, or use, violence;

(c) Content that depicts, or advocates for, the possession, use, sale or distribution of illegal drugs;

(d) Content that depicts obscene material. "Obscene material" means material that to the average person, applying contemporary statewide standards, appeals to the prurient interest, depicts or describes sexual conduct in a patently offensive way, and, lacks serious literary, artistic, political or scientific value. Examples of "obscene material" include, but are not limited to, nudity and sexually explicit acts;

(e) Sexual or other inappropriate language that violates Human Resources Policy #18 or Policy 328 Discriminatory Harassment.

Employees who display a BRANDING, SCARIFICATION or TATTOO that is viewed as objectionable content or in violation of this Policy must, upon written notice and directive from their Supervisor, completely conceal the BRANDING, SCARIFICATION or TATTOO at all times while on duty by wearing a long sleeve uniform shirt or other Department-approved clothing or material. Employees shall have discretion as to how BRANDINGS, SCARIFICATIONS or TATTOOS are concealed provided no other Public Safety or Park District Policy is violated in doing so and provided the BRANDINGS, SCARIFICATIONS or TATTOOS are completely concealed.

The employee may appeal the Supervisor's written directive by submitting a memorandum, along with a photo of the BRANDING, SCARIFICATION or TATTOO in question, to the Chief of Police/ Assistant General Manager of Public Safety. The Chief of Police's decision regarding whether the BRANDING, SCARIFICATION or TATTOO may be displayed pursuant to this Policy is final.

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1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification of objectionable content.

1044.5 HYGIENE STANDARDS

Providing a pleasant working environment for all employees is appropriate for this Department. It is therefore required that all employees bathe regularly to prevent offensive body odor.

1044.6 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.

1044.7 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.6, 26.1.1, 41.3.4

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; November 1, 2008; March 30, 2009; February 3, 2011; August 21, 2013; April 26, 2018; December 26, 2019; October 3, 2022

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Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the East Bay Regional Park District 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 East Bay Regional Park District Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1046.1.1 REPORTING FOR DUTY

All members shall be in full uniform when reporting for duty, except when on special or plain clothes assignments.

Uniforms shall be clean and pressed and shoes shined.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment (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.

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(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, 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

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1046.2.2 VERBAL IDENTIFICATION

Whenever on duty or acting in an official capacity representing the department, employees shall provide verbal identification over the phone upon request.

1046.3 UNIFORM CLASSES

The Watch Commander or shift supervisor shall designate the uniform of the day by class. Officers are responsible to wear the designated uniform.

Refer to the Uniform and Equipment Specifications Manual for detailed descriptions of the Class A, B, C and D uniforms.

1046.3.1 NON SWORN UNIFORMED MEMBERS

All non-sworn members who receive a uniform allowance shall adhere to the specifications outlined in the Uniform and Equipment Specifications Manual. These positions include the Communications and Records Manager, Dispatch/Records Supervisors, Dispatchers, Police Services Technician, the Property and Evidence Specialist, the Public Safety Systems

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Administrator, the Volunteer Coordinator, the Aircraft Maintenance Specialist and the Public Safety Student Aides.

1046.3.2 RESERVE OFFICER UNIFORM
The reserve officer's uniform will be the same as for the regular officer with the exception of the badge. All uniform policies, regulations and specifications apply equally to reserve officers.

1046.3.3 TRAINING UNIFORM
The training uniform is worn for training where the instruction setting is in a classroom and is described in the Uniform and Equipment Specifications Manual.

1046.3.4 FOUL WEATHER GEAR
The Uniform and Equipment Specifications Manual lists the authorized uniform jacket and rain gear.

1046.4 INSIGNIA AND PATCHES

Authorized insignia and patches are specified in the Uniform and Equipment Specifications Manual.

1046.4.1 MOURNING BADGE
Uniformed employees shall wear a black mourning band across the uniform badge to honor any public safety officer who is killed in the line of duty as directed by the Chief of Police. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 30th day after the death

(b) An officer from this or an adjacent county - From the time of death until the conclusion of the memorial services

(c) Funeral attendee - While attending the memorial services for 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

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

Department members who receive a uniform allowance shall adhere to the following guidelines:

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

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(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 (undershirt)
2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the East Bay Regional Park District Police Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, East Bay Regional Park District 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 East Bay Regional Park District 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.

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1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

East Bay Regional Park District 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.

East Bay Regional Park District 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.

1046.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: 17.5.1, 22.1.6, 22.1.8, 41.3.4

Effective: January 2004

Revised: March 2005; May 23, 2006; February 12, 2007; March 30, 2009; May 6, 2009; November 23, 2009; February 18, 2010; February 3, 2011; August 3, 2011; August 21, 2013; October 30, 2014; July 27, 2015; May 24, 2017; January 7, 2021

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Public Safety Student Aide Policy

1047.1 PURPOSE AND SCOPE

The Public Safety Student Aide Program encourages the completion of a student's education while gaining experience in a public safety setting. While working under direct supervision, Student Aides assist public safety department personnel in a variety of routine and progressively more advanced tasks in preparation for a career in law enforcement or fire protection.

1047.2 PROGRAM REQUIREMENTS

The Public Safety Student Aide Program is open to college enrolled students who posses a high school diploma or equivalent, and a valid Class "C" drivers license. Applicants must also be of good moral character as determined through a background investigation, and meet the minimum educational requirements as stated on the job announcement.

Student Aides must maintain a cumulative grade point average of 2.00 or better for all courses taken, and complete a minimum of nine units of college coursework per semester or quarter. Student Aides are required to maintain a valid class "C" California drivers license. Any change in validity or status of the above requirements must be reported immediately to the Program Coordinator. Student Aides failing to maintain minimum program requirements may be released from the program.

1047.2.1 PROGRAM DURATION

Student Aide participation in the program is limited to four years or when the student completes his or her education (whichever occurs first) at which time the Student Aide will be released from the program. A program extension of up to one year may be granted by the Assistant General Manager of Public Safety. All requests shall be in writing and reviewed by the Student Aide's immediate supervisor and the Program Coordinator.

1047.2.2 UNIFORMS AND EQUIPMENT

Each Student Aide will be provided two sets of uniforms and necessary equipment meeting the specifications for non-sworn employees as described in section 1046.35 of this manual. Student Aides are responsible for wearing the proper and complete uniform in the prescribed manner. No portion of the Student Aide uniform may be worn while not on official duty.

Student Aides will maintain their uniforms and issued equipment in good condition. Uniforms will fit properly and be kept clean and pressed. Any part of the uniform that becomes worn or damaged will be repaired or replaced as necessary. Student Aides will utilize department equipment only for its intended purpose, and will immediately report any damage or loss to their immediate supervisor. In addition, Student Aides will report any inoperative, defective or hazardous equipment that comes to their attention. Upon release from the program, all department issued uniforms and equipment will be returned promptly.

Student Aides will wear only equipment and uniforms authorized by the Department. Student Aides are issued civilian size oleoresin capsicum spray, along with training for use in accordance with

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the guidelines set forth in Policy Manual § 308. Student Aides are not authorized to carry firearms, knives, batons or other weapons regardless of prior certification or training. Student Aides shall carry on their person while on duty:

(a) Department issued identification card;

(b) Valid drivers license;

(c) Black ink writing pen;

(d) OC spray and holder;

(e) Department issued keys and holder; and

(f) Radio holder with radio (field personnel).

1047.3 PROGRAM COORDINATOR

The Personnal and Training Sergeant will serve as the Program Coordinator. The Coordinator will be responsible for the following:

(a) Tracking educational and job performance of Student Aides;

(b) Making individual departmental assignments;

(c) Developing and coordinating training;

(d) Reviewing decisions affecting job assignments, scheduling, status for compensation, school attendance, employee development and performance evaluations.

1047.4 PROGRAM COORDINATOR

All Student Aides will receive an orientation of the organization and facilities before reporting to their first assignment. Additionally, an electronic version of the Personnel Administrative Manual, Student Aide Handbook, and Policy Manual will be made available to all Student Aides on the department network for viewing and printing. On-the-job training will be conducted in compliance with the Master Training Plan and the Student Aide Handbook. Training will be scheduled as needed to prepare Student Aides for as many assignments as possible. Job-specific training will be offered to prepare Student Aides to compete successfully in the selection process for law enforcement or fire protection positions. All training will focus on improving job performance, as well as preparation to become police officers, firefighters or other public safety employees.

1047.4.1 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development of each Student Aide. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Chief of Police or designee.

1047.4.2 RIDE-ALONG PROCEDURES

Student Aides are authorized to participate in the Ride-along Program on paid status once per quarter as approved by their immediate supervisor and the Program Coordinator. Requests to

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participate in more than one ride-along per quarter may be approved by the Program Coordinator. Student Aides may not participate in the Ride-along Program on unpaid status or in civilian attire.

1047.4.3 PERFORMANCE EVALUATIONS
Student Aides will be evaluated by their immediate supervisor twice per year upon shift change to assess their current job performance and their potential as police officers, firefighters or other public safety employees. All evaluations will be reviewed by the Program Coordinator.

1047.5 VEHICLE OPERATIONS

Student Aides may operate department vehicles when authorized to do so. Student Aides are never to engage in emergency vehicle operations. All department vehicles will be inspected to see that they are undamaged and ready for service prior to being driven. Student Aides should be alert for faulty or inoperative equipment; with special attention given to brake lights, headlights, turn signals, brakes, tires, and overhead lights. Any damaged or faulty equipment should be reported immediately.

Student Aides will operate their vehicles with regard for the safety of others. Student Aides should be constantly mindful of road conditions, surrounding traffic, pedestrians, bicyclists or road hazards. Student Aides will obey all traffic laws. Drivers and passengers will wear seatbelts at all times.

1047.5.1 ADMINISTRATIVE VEHICLES
Student Aides are authorized to use unmarked vehicles assigned to the Personnel & Training Unit, designated as "Administrative Vehicles." Student Aides assigned to the Patrol Division for holiday details, special events or gate closures may, with prior authorization, use magnetic department patches designating the vehicle as a police vehicle. The intent is for identification purposes only, and shall be used for no other purpose.

1047.5.2 USE OF POLICE DEPARTMENT EMERGENCY VEHICLES
For the purposes of this section, "Emergency Vehicle" shall be defined as any vehicle equipped with a steady red burning lamp to the front, siren and identified with "Police" labels.

Student Aides will not drive a marked police department emergency vehicle unless under direct supervision of an officer, police department supervisor, or in an emergency life or death situation.

When a Student Aide is assigned to drive a marked emergency vehicle to an authorized police department event, the Student Aide will request that a sworn officer remove all weapons from the vehicle and will place "OUT OF SERVICE" signs over the departmental patches.

1047.5.3 USE OF OVERHEAD LIGHTS, SIRENS, AND PUSH BARS
Emergency lights and sirens will not be used by Student Aides. Amber flashing and/or directional lighting may be used by Student Aides when blocking traffic for a hazard or at the scene of a collision to alert other motorists. Student Aides are not to use push bars at any time.

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1047.5.4 UNAUTHORIZED PASSENGERS
Student Aides will not transport persons in department vehicles unless it is in connection with official department business and it is authorized by a police or fire supervisor.

1047.5.5 STUDENT AIDE INVOLVED TRAFFIC COLLISIONS
When a Student Aide is operating a department vehicle and it is involved in a traffic collision, the Student Aide will:

(a) Immediately notify dispatch;

(b) Render aid to the victim if safe to do so and proper training has been obtained;

(c) Remove any hazards to life and or property;

(d) If the Student Aide is not injured, divert oncoming traffic away from the collision using traffic control methods and/or a cone or flare pattern as necessary.

Dispatch will notify a shift supervisor who will determine which agencies to notify. Except in cases of imminent danger, Student Aides will not move anything until an officer arrives on the scene.

1047.6 COMMUNICATIONS
Effective communications are an essential part of the success of law enforcement, but communications are only as effective as the people who use them. For this reason it is essential that Student Aides comply with established procedures and regulations in this area.

1047.6.1 USE OF THE RADIO
Student Aides will use departmental radios for official use only. Radio communications will be conducted in a clear, business-like manner using prescribed procedures and will be kept brief. Radio channel three will be used by Student Aides to communicate with dispatch, but Student Aides should scan channel one at all times to monitor district traffic. Student Aides assigned to Patrol will use channel one. Student Aides will notify dispatch of their location at all times, and promptly answer all calls from dispatchers and other department personnel.

Student Aides will not respond to calls for officers, nor will they interfere with a call by driving through the area, unless directed to do so by a police supervisor. If a Student Aide is close to an in-progress call, they will remain alert to any conditions while leaving the area.

When dispatch has initiated a "code 33" on any channel, Student Aides will follow department procedure and not transmit on the affected channel while still monitoring it so they know when the channel is clear.

1047.6.2 USE OF DEPARTMENT TELEPHONES
The telephone is the primary means by which the public or other district employees request service from this department. For this reason all incoming calls will be answered promptly and with courtesy. Office phones should be answered giving the name of the office or unit and the name of the employee. Student Aides will see that the caller receives the information requested in a timely manner.

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1047.7 RULES OF CONDUCT

The East Bay Regional Park District Police Department is a professional organization. The duties of a Student Aide present many responsibilities that require public and interdepartmental contact. Student Aides are expected to uphold this responsibility with an attitude of confidence and professionalism.

Student Aides will be courteous to the public and to co-workers at all times. They will be orderly, attentive and exercise patience and discretion in dealing with the public. Any conflicts Student Aides encounter with members of the public should immediately be referred to a supervisor.

1047.7.1 STUDENT AIDE RESPONSIBILITIES

Student Aides will perform their assigned responsibilities to the best of their ability and in accordance with department policy. Student Aides will perform their assignments in a competent manner.

Student Aides will promptly obey any lawful order of a supervisor. Any Student Aide who refuses to obey a lawful order will be considered insubordinate and may be subject to disciplinary action, upon review.

Student Aides will maintain a neat and clean appearance. Student Aides are subject to grooming standards as described in section 1044 of this manual.

1047.7.2 MISCONDUCT

The duties performed by this department are vital to the safety and well being of the Park District. Because of the importance of these duties, it is essential that the department sets and maintains high standards of conduct among its personnel, including Student Aides. Misconduct by Student Aides will not be tolerated because it weakens the department's effectiveness, erodes public trust and it can endanger members of the public or members of this department. Student Aides are not covered by the provisions of Government Code § 3300, et. seq., the Peace Officer's Bill of Rights.

1047.8 ON-VIEW SITUATIONS

Student Aides may view crimes or other situations in-progress while on ride-alongs, on assignments or details or while off-duty. This section sets guidelines on how Student Aides should react to these situations.

1047.8.1 LIMITATIONS

Student Aides are non-sworn employees and have no police powers. They should never take law enforcement action or attempt to detain or arrest subjects. Student Aides retain their right to make citizen's arrest under Penal Code § 837, but may only do so after summoning police assistance.

1047.8.2 TRAINED WITNESS

Student Aides are trained witnesses that can record information and advise dispatch of the details and location of an incident. If a Student Aide witnesses an incident, their duty is to get to a safe location, call dispatch and advise them of the problem and provide other detailed information.

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They should remain at that location until contacted by an officer or unless directed otherwise by dispatch. Student Aides are never to pursue suspects either on foot or in a vehicle.

1047.8.3 RIDE-ALONG/OFFICER EMERGENCY

Should a serious emergency develop on a ride-along, or if a Student Aide observes an officer in distress while performing regular functions, and it appears the officer is in imminent danger, the Student Aide should advise dispatch of the officer's unit number, location and nature of the problem. If the officer is incapacitated, the Student Aide should broadcast "11-99, Officer needs help," along with the officer's unit, location and request for medical aid.

Student Aides are not expected to go to an injured officer's aid if it would put the Student Aide in danger. A Student Aide's only obligation in a serious situation is to get to safety and ensure that help is on the way.

1047.8.4 TRAFFIC CONDITIONS/CITIZEN FLAG DOWNS

Student Aides may encounter traffic hazards including stalled vehicles or objects in the roadway while on duty or while driving on duty. The following sections set procedures for dealing with these matters.

(a) Vehicle/Object Blocking a Roadway - If a vehicle or object is blocking a roadway and creating a hazard, the Student Aide will advise dispatch of the nature of the traffic hazard and the location. Student Aides are never to risk their own safety to move an item or vehicle from the roadway. If the Student Aide believes imminent danger exists due to the obstruction, they should report this hazard immediately and take instructions from a police supervisor.

(b) Citizen's Request for Assistance - A Student Aide may be flagged down on district property by a citizen during a detail or while driving on duty. The Student Aide should advise dispatch of the situation and location. Student Aides should not assist motorists by working on vehicles, changing tires, jump starting or pushing vehicles out of the roadway, etc. The Student Aide's only obligation is to report the information to dispatch, and wait for instruction from a police supervisor. A Student Aide is never to drive a citizen's vehicle.

(c) Collisions on Public Streets - A Student Aide may encounter a traffic collision while driving on duty. The Student Aide will advise dispatch of their initial observations and the location. If safe to do so, the Student Aide will make contact with all involved parties and advise dispatch of any injuries, minor or major, and if an ambulance is needed. The Student Aide may render aid to the injured, but should never attempt to do so without the proper training. The Student Aide's only obligation is to ensure help is on the way and to protect the scene until police assistance arrives. If safe to do so and properly trained, the Student Aide should provide traffic control using flares or cones and direct motorists around the collision until police assistance arrives. The Student Aide should advise the responding officer of all details before leaving the scene.

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1. If a collision is minor and there are no injuries, the Student Aide should advise dispatch and provide traffic control, if necessary, until the responding officer arrives.

1047.9 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: January 19, 2008

Revised: April 1, 2008; July 1, 2008; November 1, 2008; January 2011; May 24, 2017

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Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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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.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

1050.3 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: February 12, 2007

Revised: July 1, 2008; November 1, 2008, February 3, 2011

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Department Badges

1052.1 PURPOSE AND SCOPE

The East Bay Regional Park District Police Department badge and uniform patch as well as the likeness of these items and the name of the East Bay Regional Park District Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Sworn officers, 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 East Bay Regional Park District 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.

1052.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1052.2.3 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.

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the East Bay Regional Park District Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

1052.5 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.8

Effective: January 19, 2008

Revised: July 1, 2008; November 1, 2008

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Temporary Modified-Duty Assignments

1054.1 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, District 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.

1054.2 POLICY

Subject to operational considerations, the East Bay Regional Park District 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.

1054.3 GENERAL CONSIDERATIONS

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 East Bay Regional Park District 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.

1054.4 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

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assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1054.4.1 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 the Training Sergeant.

(b) Promptly notifying the Training Sergeant of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to the Training Sergeant no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Training Sergeant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1054.4.2 SUPERVISOR RESPONSIBILITIES
The Training Sergeant shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of the Training Sergeant shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1054.5 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.

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1054.6 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.

1054.6.1 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 District's personnel rules and regulations regarding family and medical care leave.

1054.7 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.

1054.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform the Training Sergeant of any inability to maintain any certification, training or qualifications.

1054.9 UNIFORM

Employees on modified duty shall wear the department training uniform or appropriate attire as directed by the Training Sergeant.

1054.10 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.6, 22.2.2

Effective: July 2011

Revisions: February 27, 2014; October 30, 2014; December 5, 2017; October 7, 2020

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Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the East Bay Regional Park District Police Department will carefully balance the individual employee’s rights against the Department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1058.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the East Bay Regional Park District 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

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family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following 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 East Bay Regional Park District 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 East Bay Regional Park District Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the East Bay Regional Park District 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 East Bay Regional Park District Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department

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for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the East Bay Regional Park District Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the East Bay Regional Park District Police Department or identify themselves in any way that could be reasonably perceived as representing the East Bay Regional Park District 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 East Bay Regional Park District Police Department.

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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).

1058.4.2 THIN LINE PERSONAL EFFECTS

Thin Blue Line, Thin Red Line, Thin Gold Line et al. flags, pins, bracelets, stickers, notebooks, coffee mugs, decals, etc., shall not be displayed while on duty.

It is essential that an employee's demeanor and display of personal items, while on duty, conveys the Departments goal of inclusivity and without the need for explanation. The Thin Blue Line symbol has widely contested dual meanings. One view; a symbol of camaraderie, professional pride, and tribute to fallen officers. Conversely; a symbol of divisiveness and the separation between the community and police. To foster a successful partnership with the community, we must remove obstacles to meaningful dialogue rather than signal unintended divisiveness.

1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal 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).

1058.6 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.

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(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.

1058.7 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.

1058.8 APPLICABLE STANDARDS AND DATES

CALEA Standards: NONE

Effective: July 22, 2010

Revisions: August 3, 2011; February 1, 2012; September 17, 2012; February 12, 2013; August 21, 2013; September 12, 2019; August 19, 2021

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Line-of-Duty Deaths or Serious Injury

1059.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the East Bay Regional Park District 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.

1059.1.1 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.

1059.2 POLICY

It is the policy of the East Bay Regional Park District 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.

1059.2.1 EMERGENCY NOTIFICATION INFORMATION

Every employee will complete a "Personnel Emergency Notification" form, which will be used by the Department in the event that family notifications are necessary. This emergency notification information will be maintained in the Record Management System (RMS) and the form will be kept confidential in the office of the Chief. In addition, any employee of the Public Safety Division may complete an optional "Emergency Notification and Personal Request Packet," commonly referred to as the COPS packet, which will also be considered in the event that family notifications are necessary. Every employee has the responsibility to keep all notification information current. The COPS packet will be kept confidential and is stored in a locked box located in the Sergeants' office. A key to this box is secured in the Communications Center.

The Department's Emergency Response will be initiated upon the notification and confirmation of a line-of-duty death or serious injury utilizing the emergency notification information maintained in the RMS and the "Personnel Emergency Notification" in the Chief's office. The instructions

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listed in the “Emergency Notification and Personal Request Packet” (COPS packet) will also be considered when feasible

1059.3 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. There are several essential notifications to be made upon the death or serious injury of a department employee. The recommended order of notification is as follows:

1. Chief of Police and Command Staff
2. Police Chaplain/Emergency Notification staff
3. Next of Kin
4. The employee's labor association executive
5. On-duty personnel
6. Off-duty-personnel
7. Agency executives and elected officials
8. Other personnel as directed by the Incident Commander or Chief of Police in accordance with the Policy Mnaual Section 358
   Once all appropriate notifications have been made, the official, public notificaiton of the death of a law enforcement employee shall be written. It should be comleted as soon as practical, and as completely as possible. This is the document ffrom which all informaiton will be taken for press releases, teletype and fax notifications, etc.

(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.

(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).

1059.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

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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.

(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.

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(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 East Bay Regional Park District Police Department members may be apprised that survivor notifications are complete.

1059.4.1 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.

1059.5 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 group, 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.

1059.6 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.

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(d) Critical Incident Stress Management (CISM) coordinator.

(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.

1059.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them 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.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1059.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

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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 East Bay Regional Park District 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.

1059.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- 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

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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 CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to 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.

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(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.

1059.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator 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 CISM 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 CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

1. The Department’s contract psychologist can assist the family and departmental personnel. He/she should be consulted regarding appropriate counseling with family members and department personnel. He/she may also be contacted for Critical Incident Stress Debriefing. The Department’s psychologist is not on staff but is contracted through the District. The Operations Captain should be the point of contact to the psychologist after a critical incident.

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(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1059.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, the Alameda or Contra Costa County Law Enforcement Funeral Ad Hoc Committee, 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. The funeral may be a full honor service involving a multi-agency response or a private and personal one. The Department is interested in assisting the family during this difficult time no matter what is desired.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:Briefing the Chief of Police and command staff concerning funeral arrangements.

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)

(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.

Funeral protocols may be followed in accordance with the Alameda County or Contra Costa County Law Enforcement Funeral Protocol.

1059.6.6 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.

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(b) Area coverage so that as many East Bay Regional Park District Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

1059.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and 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.

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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1059.6.8 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.

1059.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased 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.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1059.8 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.

1059.9 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.

1059.10 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.

1059.11 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.

1059.12 APPLICABLE STANDARDS AND DATES

CALEA Standards: 22.1.5; 55.2.6

Effective: July 25, 2016

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Line-of-Duty Deaths or Serious Injury

Revised: January 7, 2021

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Attachments

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Hate Crime Checklist.pdf

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HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

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)
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you? ☐ Yes ☐ No

Has suspect ever harmed you? ☐ Yes ☐ No

Does suspect possess or have access to a firearm? ☐ Yes ☐ No

Are you afraid for your safety? ☐ Yes ☐ No

Do you have any other information that may be helpful? ☐ Yes ☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

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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.

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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