

Port of San Diego Harbor Police Department

Port of San Diego Harbor PD Policy Manual

CHIEF'S PREFACE

The Port of San Diego Harbor Police Department Standard Operating Procedure Manual represents the best practices of modern police procedures. These policies serve to establish and communicate expectations, provide guidelines for daily operations, and validate the principles and values which guide individual and collective performance.

No policy manual can adequately address every conceivable scenario, nor should it. The policies contained herein are intended to provide a framework for decision-making that will foster a constructive culture internally and allow employees to be successful in fulfilling their mission. This manual contains a significant amount of information that reflect the latest statutory requirements and the current goals and functions of the Department.

All employees are required to abide by these policies, but should not feel that they are so constrained by them as to eliminate creativity in problem solving. These policies are a tool used when making decisions so that the outcome is aligned with the Departments expectations and are in the best interest of the community.

It is important that each employee know and apply these policies in order to ensure the very best team approach to policing in the Port of San Diego.

Magda Fernandez

Chief of Harbor Police

Port of San Diego Harbor Police Department

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT

The mission of the Port of San Diego Harbor Police Department is to provide the highest quality of public service through crime prevention, homeland security, and quality of life for our communities.

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VISION STATEMENT

The vision of the Port of San Diego Harbor Police is to be the global leaders in maritime and aviation public safety.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Port of San Diego Harbor 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 DELIVERY TO NEAREST MAGISTRATE

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

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE PORT OF SAN DIEGO HARBOR POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Port of San Diego Harbor Police Department includes (Penal Code § 830.1; Penal Code § 836):

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

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

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100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE PORT OF SAN DIEGO HARBOR POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Port of San Diego Harbor 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.

100.2.4 TIME OF MISDEMEANOR ARRESTS

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

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

100.3 POLICY

It is the policy of the Port of San Diego Harbor 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 CONSTITUTIONAL REQUIREMENTS

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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- (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).

Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 OATH OF OFFICE

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

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

104.4 MAINTENANCE OF RECORDS

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

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Port of San Diego Harbor 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.

106.1.1 DISCLAIMER

The provisions contained in this 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 Port of San Diego Harbor 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 employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Port of San Diego Harbor Police Department reserves the right to revise any policy content, in whole or in part.

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 Port of San Diego Harbor 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 Port of San Diego Harbor Police Department reserves the right to revise any policy content, in whole or in part.

106.2.2 STAFF

Staff shall consist of the following:

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- Chief of Harbor Police
- Asst. Chief Of Harbor Police
- Harbor Police Captain
- Harbor Police Training Lieutenant

The staff shall review all recommendations regarding proposed changes to the Standard Operating Procedures at staff meetings.

106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Standard Operating Procedures shall forward their suggestion, in writing, to their Captain who will consider the recommendation and forward to the Chief of Harbor Police.

106.3 AUTHORITY

The Chief of Harbor 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 Harbor Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- General Orders may be abbreviated as "GO"
- Standard Operating Procedure sections may be abbreviated as "Section 106.X" or "§ 106.X"

106.3.2 DISTRIBUTION OF MANUAL

Copies of the Standard Operating Procedures shall be distributed via USB drive to all sworn employees of the Harbor Police Department.

A computerized version of the Standard Operating Procedures will be made available on the Department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. All changes to the Standard Operating Procedures will be made by the Professional Standards Unit with the approval of the Chief of Harbor Police or his designee.

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.

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

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CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

District - The District of Unified Port of San Diego.

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

Department/SDHP - The Port of San Diego Harbor 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 Port of San Diego Harbor Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Port of San Diego Harbor Police Department, including:

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

Officer - Those employees, regardless of rank, who are sworn peace officers of the Port of San Diego Harbor Police Department.

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

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

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

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

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority 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.

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

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

USC - United States Code.

106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Standard Operating Procedure revisions. Employees will be notified of any revisions or changes to the policy manual via email correspondence. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

The revised policy manual will be made available to all employees on a network shared computer drive. Employees should continuously replace older versions of the manual with the new versions on their department issued USB thumb drive, as outlined in section 106.3.3.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Harbor Police is responsible for administering and managing the San Diego Harbor Police Department. There are five divisions in the Police Department as follows:

- Administration Division
- Patrol Division
- Airport Division
- Homeland Security Division
- Communications Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of the Investigations/Backgrounds Unit, the Professional Standards Unit and the Training Unit.

200.2.4 COMMUNICATIONS UNIT

The Communications Division is commanded by a Lieutenant whose primary responsibility is to provide direction and control for the Communications Division and support the Dispatch Supervisor. The Communications Division consists of radio operations, Mobile Dispatch Computer operations, Computer Aided Dispatch management, and call taking.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for that Division. The Patrol Division consists of Uniformed Patrol and Special Operations.

200.2.3 AIRPORT DIVISION

The Airport Division is commanded by a Lieutenant whose primary responsibility is to provide general management, direction and control for the Airport Division. The Airport Division consists of uniformed foot and vehicle patrol, the explosive canine team, and the liaison with the Transportation Security Administration (TSA) and San Diego County Regional Airport Authority (SDCRAA).

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200.2 HOMELAND SECURITY DIVISION

The Homeland Security Division is commanded by a Lieutenant whose primary responsibility is to provide general direction and control for the Homeland Security Division. The Homeland Security Division consists of grant application and management, monitoring of Port Security initiatives, and coordination with the Port District's Homeland Security Manager.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Harbor Police exercises command over all personnel in the Department. During planned absences the Chief of Harbor Police will designate a Captain to serve as the acting Chief of Harbor Police.

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

- (a) Assistant Chief of Harbor Police
- (b) Captain
- (c) Lieutenant
- (d) Watch Commander

200.4.2 UNITY OF COMMAND

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

200.4.3 ORDERS

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

General Orders

204.1 PURPOSE AND SCOPE

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

204.1.1 GENERAL ORDER PROTOCOL

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

All existing General Orders have now been incorporated in the updated Standard Operating Procedures as of the below revision date.

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 11-01 signifies the first General Order for the year 2011.

204.2 RESPONSIBILITIES

204.2.1 STAFF

The Professional Standards Unit (PSU) Lieutenant and the PSU Sergeant shall review and incorporate revisions of the Standard Operating Procedures, including changes originally made by a General Order. All revisions of the Standard Operating Procedures will be forwarded to the Chief of Harbor Police for approval and for a full review process.

204.2.2 CHIEF OF HARBOR POLICE

The Chief of Harbor Police shall issue all General Orders.

Emergency Management Plan

206.1 PURPOSE AND SCOPE

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

206.2 ACTIVATING THE EMERGENCY PLAN

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

206.2.1 RECALL OF PERSONNEL

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

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

206.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Administration and the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan. The Administration supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

206.4 UPDATING OF MANUALS

The Chief of Harbor Police or designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

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 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.

208.3 PHILOSOPHY

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

208.4 OBJECTIVES

The objectives of the Training Program are to:

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

208.5 TRAINING PLAN

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

- Legislative Changes
- State Mandated Training
- Critical Issues Training
- Agency-specific Training

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Training

208.6 TRAINING NEEDS ASSESSMENT

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

208.7 DAILY TRAINING BULLETINS

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

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

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

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

208.8 TRAINING SERGEANT

The Chief of Harbor 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.

208.8.1 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)).

Electronic Mail

212.1 PURPOSE AND SCOPE

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

212.2 EMAIL RIGHT OF PRIVACY

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

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

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

212.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Harbor Police or a Captain. 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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Electronic Mail

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

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 MEMORANDUMS

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

214.3 CORRESPONDENCE

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

214.4 SURVEYS

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

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 the operational requirements of the Department.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two regular supervisors on duty whenever possible. Watch Commanders will ensure that at least one field supervisor is deployed during each watch, in addition to the Watch Commander.

216.2.1 SUPERVISION DEPLOYMENTS

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

216.2.2 OVERTIME CALL-IN

Call-ins may be required for special events when extra officers are needed. If staffing requirements cannot be met by volunteers, the Watch Commander or shift supervisor will order officers to fill the vacancies. In order to meet the Department's minimum staffing requirements as determined by the Chief of Harbor Police, mandatory call-ins may be required to fulfill minimum staffing levels. The Watch Commander or his/her designee shall make a reasonable attempt to fulfill minimum staffing requirements with volunteers prior to ordering mandatory call-ins.

It will be the Watch Commander's responsibility, or that of his/her designee, to fill vacancies on a given shift with officers from that squad, when possible. Every effort will be made by the Watch Commander or shift supervisor to be fair and equal when calling upon officers to work overtime. Call-in opportunities will be available to all personnel, not only to those who volunteer repeatedly.

License to Carry a Firearm

218.1 PURPOSE AND SCOPE

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

218.1.1 APPLICATION OF POLICY

The Harbor Police, as part of a regional MOU adopted by the San Diego Police Chiefs' and Sheriff's Association (April 17, 1996), has entered into an agreement with the Sheriff to process all applications and licenses for the carrying of concealed weapons (Penal Code § 26155(c)).

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 Port of San Diego Harbor 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 Port of San Diego Harbor Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

220.3 LEOSA

The Chief of Harbor 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 Port of San Diego Harbor Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

220.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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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."

220.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Port of San Diego Harbor 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):

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- (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.

220.5 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 a criminal history background check every 5 years in conjunction with the renewal of their retired Harbor Police Identification card from the Port of San Diego Human Resources department. This criminal history background check shall indicate that he/she is not prohibited by law from receiving or possessing a firearm.

220.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm approved by the Department. For the purpose of this section, any revolver or semiautomatic pistol that is not a rim fire cartridge and is of quality manufacture shall be considered an approved weapon.

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

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revoked, the former officer may request a review by the Chief of Harbor Police. The decision of the Chief of Harbor Police is final.

220.6.1 WATCH COMMANDER RESPONSIBILITY

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

- (a) Take appropriate steps to promptly look into the matter.
- (b) If warranted, contact the retiree in person and advise him/her in writing of the following:
 - 1. The retiree's CCW endorsement is immediately and temporarily revoked.
 - 2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
 - 3. The retiree will forfeit his/ her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
- (c) A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.
- (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a peace officer of that agency act as the Department's agent to deliver the written notification.
- (e) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
- (f) The Watch Commander should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Harbor Police.

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,

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absent written agreement between the parties, shall be held no later than 120 days after the request is received.

- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 - 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
 - 1. The decision of such hearing board shall be binding on the Department and the retiree.
 - 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
 - 1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 - 2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Harbor 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.

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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 Weapons Training Unit Supervisor 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 Weapons Training Unit Supervisor will maintain a record of the qualifications and weapons used.

220.9 RETIREE PROCESS

Generally, upon retirement sworn members of the Port of San Diego Harbor Police will be issued a retired ID card that is valid for five years from the date of their retirement. The retired officer will then need to renew their ID card every five years. The following are the procedures for the application for and renewal of Harbor Police Retired ID cards by retired sworn personnel of the Port of San Diego Harbor Police. Retiree ID cards are issued by the Port of San Diego Human Resources Department.

220.9.1 ADMINISTRATION RESPONSIBILITIES

The Harbor Police administration will mail out renewal paperwork to all eligible retirees in the first week of September for the following calendar year. (Human Resources (HR) will supply a list of Eligible Retirees who fulfill the criteria for eligible retirement.)

This paperwork will include:

- - Copies of SOPs 220 - Retiree Qualifications, 300 - Use of force and excerpts on firearms policy to define acceptable firearms / ammunition.
 - HR 218 waiver
 - Livescan form for retirees renewing their police ID card. (every 5 years)
 - Letter explaining the process for obtaining the Port of San Diego Retirement ID card and firearms qualifications card.
 - Dates of the following year qualifications
 - Self-Addressed envelope for HPD Investigations Sergeant / Lieutenant

220.9.2 RETIREE RESPONSIBILITIES

Livescan:

Every five years, members will renew their Harbor Police ID card. In order to do so, they will be required to complete a Livescan criminal history background check. The retiree will locate a local Livescan vendor location, submit the Livescan form and be fingerprinted. (Cost is paid by retiree.)

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Once the Livescan is complete, the retiree will mail the waiver and Livescan form copy to the Harbor Police Administrative Captain for processing.

Once the retiree receives the packet of forms, they are to complete the enclosed waiver and Livescan paperwork if they are renewing their retired police ID card for that following calendar year. If the retiree resides outside California, or out of San Diego County, state, and do not have access to a location that offers Livescan, they should go to the CJIS website: <https://www.edo.cjis.gov/#/> and follow the "How to Submit a Request" process. They will need to go to their local Police station to obtain their fingerprints to send in to the FBI.

220.9.3 HARBOR POLICE INVESTIGATIONS / BACKGROUNDS UNIT RESPONSIBILITIES

Once HPD Investigations receives the forms via mail, they will monitor DOJ/Livescan returns for the retiree. Upon HPD Investigations receiving the clearance through DOJ / Livescan – they will print the results and all associated paperwork and records are to be maintained by HPD Investigations / Backgrounds Unit..

220.9.4 RECORDS CHECK RESULTS

Retirees whose results show any criminal activity will be evaluated by the Investigations Lieutenant. Any report of firearm disqualifying crimes, felony crimes, and/or a criminal / Domestic Violence Protective Order will be immediate means for disqualification of the CCW endorsement for the retiree. In addition, any misdemeanor that is not an immediate firearms disqualification may still be grounds for revocation of the CCW / LEOSA endorsement based upon the recommendation of the Administrative Captain. If it is determined that there is good cause to suspend/ revoke a retiree's CCW privilege, the retiree will be notified in writing of the suspension/revocation. The retiree will be required to surrender their Retired Harbor Police ID Card.

If the Harbor Police are advised from DOJ or any police agency of an arrest or conviction for a disqualifying crime, the Department will revoke the CCW status of the member.

Any revocation will be subject to appeal under SOP 220.7

If the Retiree is found to be clear of any firearms restrictions / criminal conduct, they will be notified via email and standard mail that they are eligible to receive a Retired Harbor Police Identification card from HR and will be able to attend retiree HR218 qualifications.

The Investigations Sergeant / Lieutenant will notify the Human Resources Department of the results of the findings for all retirees. Those retirees who have had their CCW privileges suspended/ revoked may still receive a retire Harbor Police Identification with "CCW NOT AUTHORIZED" printed on the card.

220.9.5 RETIREE ID CARDS

Once the retiree has been notified, they can then contact the District Human Resources Department to get a new retired ID card that is valid for 5 years. If the retiree lives out of state, they can make arrangements via mail to get their new ID card.

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220.9.6 WEAPONS TRAINING UNIT RESPONSIBILITIES

The Harbor Police Weapons Training Unit will plan two retiree qualification shoots each calendar year. Retirees must present a valid and current Port of San Diego Harbor Police retiree ID card to be allowed to qualify with a firearm. Under no circumstances will a non-cleared retiree be allowed to shoot at the qualification.

Retirees are required to qualify annually with a firearm to comply with LEOSA / 18 USC § 926C. Retirees can attend the range qualification to qualify with weapon by type. For a retiree to carry a semiautomatic pistol they must show proficiency by passing a qualification with a semiautomatic handgun. Similarly, a retiree wishing to carry a revolver must show proficiency with a revolver by passing a qualification course of fire. . Upon successful completion they will receive a qualification certification card certifying them to carry a revolver, semiautomatic handgun, or both.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

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

300.1.1 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties. The use of force will only be utilized to effect lawful objectives in accordance with the circumstances authorized by law and the procedure of this and all other related Department Instructions.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties. When the use of force has been determined to be necessary, only that force which is reasonable may be used to bring an incident under control.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests. Any use of force which is unreasonable or excessive is prohibited and shall not be tolerated.

300.1.2 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.

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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.

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 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)).

300.2.3 FACTORS TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).

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- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions 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 reasonably necessary to accomplish a legitimate law enforcement purpose.

300.2.4 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints, control devices, kinetic energy projectiles, and TASER described in Policy Manual §§ 306, 308 and 309 respectively.

300.2.5 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

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300.2.6 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.

300.2.7 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.

300.2.8 CAROTID RESTRAINT

The Port of San Diego Harbor Police does not authorize the use of a carotid restraint or choke hold.

For purposes of this section:

- (a) "Carotid Restraint" means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.
- (b) "Choke Hold" means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.

300.2.9 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).

300.3 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.

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

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

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

300.3.1 USE OF FORCE TO SEIZE EVIDENCE

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

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.

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

300.3.3 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).

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

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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 SUPERVISOR RESPONSIBILITIES / REPORTING

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

- (a) Obtain the basic facts from the involved officer(s). Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Document any statements by the subject related to the use of force.
- (d) Once any initial medical assessment or first aid has been completed, ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas. These photographs should also be retained until all potential civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

Should the supervisor suspect that any application of force was not within policy, a separate internal administrative investigation shall be initiated. If a supervisor receives an allegation of excessive force from another officer, the supervisor shall promptly notify the on-duty Watch Commander. The supervisor shall then complete an inter-staff memo to the Administrative Captain documenting the allegation and notification made.

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.

300.4.3 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 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 Section Policy.

300.6 MEDICAL CONSIDERATIONS

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

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

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

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

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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 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.

300.8 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident.

For reporting purposes, the following are considered use of force:

- (a) (a) Use of any pain compliance techniques
- (b) Use of a firearm, including less lethal
- (c) Use of the baton, police nunchakus (O.P.N.), or other impact weapons where the suspect has been struck
- (d) Use of any type of chemical agent
- (e) Any physical force resulting in injury to the officer or suspect, or where medical attention is required as a result of its use
- (f) Use of maximum restraint
- (g) Use of any weaponless technique
- (h) Use of force when restraining a subject while conducting a lawfully authorized forced blood draw.

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300.8.1 REPORTING EXCEPTIONS

The Following are exceptions to the reporting the use of force.

- The use of a firm grip to control only, which does not result in injury or the appearance of injury (e.g., the use of a grip to control the suspect's hands while searching or handcuffing).
- That force needed to overcome the passive resistance due to physical disability or intoxication which does not result in injury or the appearance of injury (e.g., lifting an intoxicated person to a standing position).
- An incident investigated by a departmentally authorized investigator(s) in which the officer's oral statement is taken and a report is prepared by the department investigators (e.g., an officer involved shooting investigation).
- An officer pointing his weapon at a suspect is considered a "show" of force, but is not considered a use of force. Any incident where an officer points their weapon at a subject will be documented in their report narrative, or in an officers report if there is no other report generated from the incident.

300.8.2 USE OF FORCE REPORTING FORMAT

When documenting a use of force in a NetRMS Report, officers will use the department-specified format. [See attachment: UOF Report Format.pdf](#)

300.9 USE OF FORCE ANALYSIS

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

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

300.10 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)).

300.11 POLICY REVIEW

The Chief of Harbor 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 Harbor 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)).

Deadly Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Port of San Diego Harbor Police Department to review the use of force by its employees. This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY

The Port of San Diego Harbor Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to conduct an internal administrative review when the use of deadly force by an employee results in injury or death to a person. The administrative review will also be employed to investigate the circumstances surrounding every accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use. The Chief of Harbor Police may order an administrative review to investigate the circumstances surrounding any use of force incident. All use of deadly force incidents may also be investigated or reviewed by the member city's Officer Involved Shooting team and the District Attorney's Office.

302.2.1 RESPONSIBILITIES OF THE PROFESSIONAL STANDARDS UNIT

The Harbor Police Professional Standards Unit is empowered to conduct an administrative investigation into the circumstances of an incident. The Professional Standards Unit may request further investigation and call persons to present information. Involved employees will be notified of the review and may be represented by legal counsel and/or other representation through all phases of the review process. If it appears that the actions of the employee(s) may result in criminal charges or disciplinary action by the Department, the Professional Standards Unit will conduct the interviews in accordance with Department disciplinary procedures. Upon conclusion of the administrative review, the Professional Standards Unit will determine one of the following findings:

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

The Professional Standards Unit will submit the written findings of the administrative review to the Chief of Harbor Police. After review by the Chief of Harbor Police, a copy of the findings will be forwarded to the involved employee's Captain for review and appropriate action.

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

Once the Professional Standards Unit has reached its specific finding, the Training Sergeant may review the finding for the purpose of addressing training needs. No specific reference will be made to the incident.

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302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

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 Port of San Diego Harbor 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 Port of San Diego Harbor 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.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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

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.

306.4.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of an injury or continuing pain, or who has been rendered unconscious. 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.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics and impervious to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal shall be fully documented in related reports and a supervisor should be notified. Whenever practical, the refusal should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

306.5 APPLICATION OF SPIT HOODS

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

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

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

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

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

306.5.1 TRANSPORTING RESTRAINED SUSPECTS

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

(a) Officers will not transport any subject that has been maximally restrained in a prone position. These subjects will be transported sitting sideways across the back seat. The subject will be seatbelted into place.

(b) To place a person into the back seat, it is recommended that between 2 -4 personnel be used depending on the size and weight of the subject. Lift the subject under the arms and ankles. A "log lift" carrying technique may be used in carrying the subject.

(c) An ambulance will be called to the scene and transport any subject who is in the maximum restraint position when the subject is:

- Not at a recognizable level of consciousness
- Having difficulty breathing
- Convulsing
- Having a seizure
- Complaining of pain or injury

At least one officer will ride in the ambulance during the transportation of a subject in leg restraints.

If a person becomes cooperative and passive after being placed into leg restraints, the officer may release the subject from the leg restraint at his/her discretion.

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Maximum restrained subjects shall not be left unattended - they will be monitored at all times

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 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.

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to officers and suspects, the Department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The below procedures are for the use and maintenance of control devices (e.g., baton, oleoresin capicum (OC) spray and tear gas). Only those control devices that have been approved by the Chief of Harbor Police or his/her designee are authorized to be carried by members of this department.

308.1.1 WHEN DEVICES MAY BE USED

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

308.1.2 TRAINING FOR CONTROL DEVICES

(a) Only officers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.

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

(c) Officers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training. If, after two additional attempts, an officer still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force policy, the officer may be subject to discipline.

308.2 IMPACT WEAPONS / BATONS

Impact weapons are those devices used primarily for striking and are used secondarily for control hold techniques. Control devices (OPN) are used primarily for control hold techniques and secondarily for striking.

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

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury. The seriousness of the threat and the officers belief that he/she cannot overcome the resistance or assault, or gain compliance of the suspect by use of lesser force options must also be taken into consideration.

Generally, the head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect may cause serious bodily injury or death to the officer or others. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

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Striking a prisoner who is handcuffed or restrained is generally prohibited.

Generally, first aid for a person against whom an impact weapon force option has been used, is the responsibility of the officer using the impact weapon.

308.2.1 AUTHORIZED IMPACT WEAPONS

Sworn personnel will carry only the type of impact weapon for which they have received training. Officers shall carry their impact weapon while in the field on uniformed patrol. The following impact weapons are approved for use by Harbor Police personnel.

(a) Fixed rigid side handle baton (b) Fixed rigid straight baton (c) Expandable batons (straight or side handle) (d) Orcutt Police Nunchaku (OPN)

308.2.2 FLASHLIGHTS

The primary purpose of a flashlight is illumination. Sworn personnel may encounter threats from persons while holding their flashlight. If an officer is attacked while holding a flashlight, the flashlight can be used as an impact weapon within the scope of this policy (also see SOP 300).

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 Harbor 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 TASER PROGRAM COORDINATOR RESPONSIBILITIES

The Taser Program Coordinator 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 Taser Program Coordinator or 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 Weapons Training Unit Supervisor for disposition. Damage to District property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.4.4 PEPPER PROJECTILE USER RESPONSIBILITIES

Pepper projectiles are plastic spheres that are filled with a derivative of oleoresin capsicum (OC) powder. A compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. The potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the individual may cause serious bodily injury or death to the officer or others. The use of a pepper projectile system is subject to the following requirements:

- (a) Officers encountering a situation that requires the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system discharges where the suspect has been hit and/or exposed to OC. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.
- (b) Only personnel certified as having completed department-approved training on the use of pepper projectile systems shall be allowed to deploy and use pepper projectile systems.
- (c) Each intentional discharge of a pepper projectile system that results in an exposure of OC powder or an impact of the projectile onto any person or surface shall be documented. Accidental discharges shall also be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.
- (d) Personnel deploying the Pepper projectile system in the field will give a verbal warning, when feasible, before discharging the launcher.
- (e) Projectiles designed to break glass should never be used on individual(s), except when the officer reasonably believes the individual(s) may cause serious bodily injury or death to the officer or others.

308.4.5 TREATMENT FOR OC SPRAY EXPOSURE

Generally, it is the responsibility of the arresting officer to ensure proper first aid is administered to a person with whom a chemical agent was used. First aid consists of exposure to fresh air as soon as possible, followed by a cold water flush as soon as practical and safe.

If an officer applies a chemical agent to a prisoner while enroute to a designated detention facility, it is the responsibility of the officer to inform detention facility staff to ensure first aid is provided. A Harbor Police Supervisor will also be notified of the deployed chemical agent.

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Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

308.4.6 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report as a Use of Force addendum

308.5 KINETIC ENERGY WEAPONS - LESS LETHAL MUNITIONS

This department is committed to reducing the potential for violent confrontations when suspects are encountered. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury.

308.5.1 DEPLOYMENT GUIDELINES

Approved munitions are justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving the situation at hand.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine 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.

(a) Deploying Less Lethal:

1. The deployment and use of less lethal force will be at the discretion of the officer in charge at the scene.
2. Officers deploying less lethal will ensure that other officers on-scene in the field are aware that a less lethal option is available. Dispatch shall also be notified.
3. Officer deploying less lethal munitions will have a cover officer with lethal force as backup.
4. When firing less lethal munitions, the deploying officer shall communicate to others that less lethal is being deployed to prevent contagious or sympathetic fire.
5. After firing less lethal munitions, and only after gaining compliance and submission to authority of the target subject, the take down team will affect the arrest.

308.5.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider the following factors:

- (a) Severity of the crime or incident
- (b) Subject's capability to pose an imminent threat to the safety of officers or others
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight
- (d) The credibility of the subject's threat as evaluated by the officers present, and physical capacity/capability
- (e) The proximity of weapons available to the subject

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(f) The officer's versus the subject's physical factors (e.g., age, size, relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s)).

(g) The availability of other force options and their possible effectiveness

(h) Distance and angle to target

(i) Type of munitions employed

(j) Type and thickness of subject's clothing

(k) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate

308.5.3 DEPLOYMENT DISTANCES

The recommended optimum distance for deployment is 5 to 20 yards. However, it is recognized that based on a subject's actions as perceived by the officer at the time of deployment, the use of less lethal munitions at distances of less than 5 yards may be deemed an appropriate use of force.

Under these circumstances, the head, neck, throat, chest, spleen, liver and kidney areas should not be targeted. An exception would be if the only force option available at the time of deployment appears to be the use of deadly force. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

308.5.4 SHOT PLACEMENT

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 when deadly force is not reasonably justified.

Officers should generally follow the manufacturer's recommendations regarding minimum deployment distances and target areas; however, any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

308.5.5 APPROVED MUNITIONS

Only department approved kinetic energy munitions shall be carried and deployed.

308.5.6 PATROL READY PREPARATION

Kinetic energy projectiles are approved by the Department and are fired from Remington 870 12 gauge shotguns. The less lethal shotgun shall be carried with five (5) department issued, less lethal rounds. No other ammunition may be loaded into these weapons.

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

The specially marked shotgun will normally be carried in the trunk of each unit.

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308.5.7 TRAINING REQUIRED FOR USE

Personnel who have successfully completed an approved departmental training course shall be authorized to use kinetic energy projectiles. Officers deploying kinetic energy

projectiles will complete an annual recertification course.

308.6 TEAR GAS GUIDELINES

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

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. Minimally, a safety plan that includes the use of fire extinguishing equipment will be prepared prior to deploying the tear gas.

308.6.1 WATCH COMMANDER RESPONSIBILITIES

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

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

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

(c) The department shall ensure training on the use of control devices is provided as needed.

308.6.2 MAINTENANCE RESPONSIBILITIES

A Weapons Training Unit (WTU) representative shall control the inventory and maintenance of all less lethal weapons.

All damaged and/or inoperative less lethal weapons shall be returned to a WTU representative for repair.

308.6.3 MAINTENANCE RESPONSIBILITY

With the exception of less lethal weapons (as detailed in section 308.6.2), all normal maintenance, charging or cleaning of any control device shall remain the responsibility of trained personnel using the various devices.

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,

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

308.7.1 OC SPRAY

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

Harbor Police Community Service Officers (CSO's) will be trained in the use of and issued OC spray for defensive purposes only. Once trained, Harbor Police CSO's are authorized to carry department issued OC spray.

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 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.

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 CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING CEDS

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

The Weapons Training Unit Supervisor should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

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

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660). The CED shall not be carried on the same lateral side of the officer's body as the officer's primary firearm is holstered or otherwise carried.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

309.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Weapons Training Unit Supervisor for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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309.4 VERBAL AND VISUAL WARNINGS

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

The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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

309.4.1 MULTIPLE APPLICATIONS OF THE DEVICE

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

309.4.2 TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

309.4.3 EVIDENCE COLLECTION

The following evidence should be collected when the TASER has been used operationally:

- (a) Photographs of the affected area should be taken after the dart or darts are removed.
- (b) The officer will collect the air cartridge, wire leads, darts, and AFIDS.

309.4.4 REPORT OF USE

All TASER discharges shall be documented in the related arrest/crime report or ARJIS-9, and notification made to a supervisor in compliance with Policy § 300.4.1. Any report documenting the discharge of a TASER cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

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Photographs of probe sites should be taken, Anti-Felon Identification (AFID) tags should be collected and the expended cartridge along with both probes and wire should be submitted by the officer collecting the cartridge into evidence for future reference. 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 USE OF THE CED

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

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

309.5.1 APPLICATION OF THE CED

The CED may be used, when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

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

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

309.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

309.7 QUESTIONING OF SUSPECTS AFTER USE OF THE TASER DEVICE

- (a) It is suggested that officers allow a suspect sufficient time to recover from the TASER™ deployment before attempting to Mirandize and question the suspect. The burden to show that a waiver of 5th Amendment rights was knowing and voluntary rests with law enforcement/prosecution. Thus, unless there is some articulable necessity to start questioning the subject, officers should consider waiting 60 minutes before questioning to ensure subject has regained his or her normal cognitive function. That

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the subject has regained normal cognitive function may be shown by other observable facts. This may not be possible if case involves an under the influence prosecution.

- (b) Officers should document the time between the TASER™ deployment and the reading of Miranda. As always, documentation should indicate whether the TASER™ was used in the drive-stun or probe mode.

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 Harbor Police may decide that the investigation will follow the process provided in this policy.

310.2 POLICY

The policy of the Port of San Diego Harbor 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.

310.3.1 INJURY OR DEATH AS A RESULT OF THE DISCHARGE OF A FIREARM

If the discharge of a firearm results in injury or death, the on-duty Harbor Police Watch Commander shall ensure the following notifications are made:

(a) Press Information Officer /communications dispatch of either the member citypolice or sheriff's department or other appropriate investigating agency for the involved jurisdiction, to request an officer involved shooting investigation team

(b) Chief of Harbor Police

(c) Assistant Chief of Harbor Police

(d) Harbor Police Captains

(d) Designated representative of the District's General Counsel's Office

Family members notification, if necessary, and transportation for them, if required, will be coordinated at the direction of the Chief of Harbor Police or his or her designee.

310.3.2 NON-INJURY DISCHARGE OF A FIREARM

If the discharge of a firearm does not result in injury or death, the on duty Harbor Police Watch Commander shall ensure the following notifications are made:

(a) Harbor Police Patrol Captain

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(b) Watch commander of either the member city police or sheriff's department or other appropriate investigating agency for the involved jurisdiction, to request an officer involved shooting investigation team.

This notification is not necessary if ALL of the following conditions surrounding the incident exist:

- Accidental discharge within the jurisdiction of the Port
- Not in the line of duty
- Location of the spent projectile is definitely known
- No potential for unreported deaths, injuries or property damage exists

310.3.3 FIREARMS DISCHARGE OUTSIDE THE PORT'S JURISDICTION

If the location of the discharge of the firearm is within reasonable driving distance, an on-duty Harbor Police supervisor will immediately respond to the scene and:

(a) Assume the role of liaison between the agency conducting the investigation and the Harbor Police Department.

(b) Obtain a general account of the incident.

(c) Provide assistance to the Harbor Police personnel involved.

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 Port of San Diego Harbor Police Department would control the investigation if the suspect's crime occurred in Unified Port of San Diego.

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 Harbor Police and with concurrence from the other agency.

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

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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 Harbor Police or the authorized designee for approval.

310.5 INVESTIGATION PROCESS

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

310.5.1 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved Harbor Police 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 Harbor Police 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 Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional Harbor Police 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 Harbor Police officer should be given an administrative order not to discuss the incident with other involved officers or Harbor Police 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.

310.5.2 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

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 SDHP 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.

310.5.3 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

When a Harbor Police officer, on or off duty or working in a task force, is involved in a shooting resulting in injury or death, or any other type of force incident that results in death, the jurisdictional agency shall conduct the primary investigation of the incident.

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

310.6.1 REPORTS BY INVOLVED SDHP OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved SDHP 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 SDHP 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 SDHP 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 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations 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 Investigations supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Captain.

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 SDHP officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

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2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.7.1 MEDIA REQUESTS FOR INFORMATION

(a) Members of the media requesting information related to officer involved shootings will be given only the information contained in written press releases provided by the Harbor Police Captain. (By law, names of involved officers do not have to be released.)

(b) If a press release has not been issued by the Chief of Harbor Police or Captain, members of the media will be advised no information has been made available.

(c) Requests for information from the Port District's Director of Community and Government Affairs will be referred to the Harbor Police Captain.

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.

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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 the District's Office of General Counsel, as appropriate.

310.9 OFFICER'S ASSIGNMENTS FOLLOWING A SHOOTING INCIDENT

Recognizing each officer involved shooting is unique, emotionally traumatic, and stressful for the involved officer, the officer may be given the following assignments for an indefinite period before returning to full duty status:

- (a) Recovery time off
- (b) Mandatory consultation with a Port District mental health professional
- (c) Temporary assignment to an administrative duty status

310.10 REVIEW BY PROFESSIONAL STANDARDS UNIT

(a) After the officer involved shooting team has completed an investigation of the incident, the Harbor Police Captain will direct a review of the incident by the Professional Standards Unit.

(b) The purpose of the Professional Standards Unit review is to determine if the officer involved shooting was within the guidelines of the department instructions on the use of force and the use of firearms.

(c) If during the Professional Standards Unit review, the reviewer(s) discover information indicating possible criminal conduct, not previously known, the review will be stopped and the officer involved shooting team will be advised of the new information.

(d) The conclusion of the Professional Standards Unit review will contain the reviewer(s) opinion whether in regard to department Standard Operating Procedures, the officer involved shooting was:

- 1. Within the guidelines
- 2. Not within the guidelines
- 3. Not within the guidelines, but justified by the facts of the incident

310.11 CRITICAL INCIDENT ON-SCENE CHECK LIST

310.11.1 CRITICAL INCIDENT ON-SCENE REFERENCE LIST OFFICER INVOLVED

The purpose of this reference list is to provide a concise review of the many actions which may have to be considered at the scene of an officer involved shooting.

310.11.2 NOTIFICATIONS

Watch Commander

Officer Involved Shooting Team

Chief

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Assistant Chief

Captain

District Attorney's Office

Family members (Per Chief)

310.11.3 INVESTIGATIVE ASSISTANCE

Emergency safety and medical responses

General account from involved personnel

Separate involved personnel

Establish large security perimeter

Preserve evidence in place

310.11.4 INJURED OFFICER

Transport to hospital with another, uninvolved officer

310.11.5 INJURED PERSONS

Transport to hospital with an uninvolved officer

Record statements

Preserve evidence

Maintain custody (If a prisoner)

Brief investigators

310.11.6 LIAISON WITH INVESTIGATORS

Highest ranking supervisor, not involved in shooting

310.11.7 ASSISTANCE FOR INVOLVED OFFICERS

Assign support officer

Do not discuss incident

Involved & support officers to remain at scene until public safety issues are resolved

Don't put involved officer in the back seat of unit

Officer maintains control of firearm, don't load/unload. Pistol in holster, shotgun in trunk

Encourage writing notes about incident

Have support officer drive involved officer to station

Provide private locations at station for each involved officer

Prevent unnecessary conversations with involved officers

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310.11.8 MEDIA RELATIONS

No Harbor Police statements at scene

Refer to investigating supervisor at scene

At station - Captains written releases only

310.12 CIVIL LIABILITY RESPONSE

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

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

310.13 DEBRIEFING

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

310.13.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

310.13.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Harbor 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.

310.14 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

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available to the Watch Commander, Intelligence and Investigations Section Captain and Watch Commander in the event of inquiries from the media.

The Department shall not subject any involved SDHP officer to visits by the media (Government Code § 3303(e)). No involved SDHP officer shall make any comment to the media unless he/she is authorized by the Chief of Harbor Police or a Captain. 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.

310.15 REPORTING

If the death of an individual occurs in the Port of San Diego Harbor Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Administrative Captain 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).

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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.

312.1.1 "SERVICE WEAPONS" AND "OFF-ROSTER" SERVICE WEAPONS

The Department defines "service weapons" as discussed in California Penal Code section 32000(b)(6) as any service weapon that is carried in the course and scope of duties as a police officer. This includes: uniform department issued duty sidearms, backup weapons, plainclothes/concealment weapons, desk weapons that are carried on duty or off duty, based on their authority as peace officers. "Service weapons" are not weapons purchased for strictly recreation, shooting sports, or "home protection".

Service weapons that are off-roster service weapons must be purchased with a gun letter (which states the weapon is purchased for use in the course and scope of official duties). Officers are limited to two such letters per year. For purposes of this policy, "off-roster" service weapon is defined as those service weapons listed in California Penal Code section 31910. In addition, all service weapons must be included in the officer's qualification records.

Any officer purchasing an off-roster service weapon for use as a service weapon must have satisfactorily completed the POST basic course or, before January 1, 2021, have satisfactorily completed the firearms portion of a training course prescribed by POST pursuant to Penal Code section 832. Officers must also complete a live-fire qualification with their non-roster service weapon as prescribed by the Department, at least once every six months.

Officers will sell or dispose of any personal firearm in compliance with state and federal law. For off roster weapons, officers are directed to section 32000(c)(1) of the Penal Code which states that off roster weapons that are purchased under the exemption where the Port of San Diego Harbor Police are listed (32000(b)(6)(T)) can only be sold to other exempt individuals.

312.2 POLICY

The Port of San Diego Harbor 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 Weapons Training Unit Supervisor. Except in an emergency or as

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directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Captain. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.3.1 DUTY SERVICE WEAPONS

The authorized department-issued service weapons are the Glock Models 17, 19, 22, 23, and 35 for uniformed duty use. The Glock 27 subcompact is issued to plainclothes and administrative personnel. Any officer wishing to carry a personally owned service weapon must have the firearm approved by the Weapons Training Unit and must complete any necessary transition training prior to doing so. Current firearms approved for use are as follows:

MAKE	MODEL	CALIBER
Beretta	92 models, 96 models, Cougar	.45 ACP, .40 S&W, 9mm
FN	509	9mm, .40 S&W
Glock	17, 19, 21, 22, 23, 34, 35, 41, 45	.45 ACP, .40 S&W, 9mm
HK	USP, P2000, P30, VP series	.45 ACP, .40 S&W, 9mm
Sig Sauer	All P series (i.e. P220, P226, P228, P229) models, (Including post-upgraded P320 Models)	.45 ACP, .40 S&W, 9mm
Smith and Wesson	M&P Models, 3rd Gen TDA	.45 ACP, .40 S&W, 9mm
Springfield Armory	XD and XDm Models	.45 ACP, .40 S&W, 9mm
Walther	PPQ	.45 ACP, .40 S&W, 9mm

Any alternate service weapon must have a minimal barrel length of 3.6 inches, and for striker fired weapons a trigger pull of at least 5.0 lbs.. Traditional double action weapons will have a double action trigger pull of no less than 8 lbs and a single action of no less than 3 lbs. Single action firearms are not authorized for on-duty uniform carry.

312.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870. The following additional shotguns are approved for on-duty use:

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

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312.3.3 PATROL RIFLES

The use of equipment described in this section is in accordance with Government code 7070 and HPD policy 712, which regulate the use of military equipment. The authorized department-issued patrol rifle is the Colt M-4 and Colt LE Carbine Only the department issued patrol rifle will be used by sworn staff in the field.

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

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

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed. The trigger will not be pulled so the hammer remains cocked, and the selector lever will be in the safe position.

312.3.4 PERSONALLY OWNED DUTY SERVICE WEAPONS

Members desiring to carry an authorized but personally owned duty service weapon must receive written approval from the Weapons Training Unit Supervisor or the authorized designee. Once approved, personally owned duty service weapons are subject to the following restrictions:

- (a) The service weapon shall be in good working order and on the department list of approved firearms.
- (b) No weapons will be of a uncharacteristic color/finish. Generally weapons will only have a blued / stainless style finish.
- (c) The service weapon shall be inspected by the Weapons Training Unit Supervisor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (d) Prior to carrying the service weapon, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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- (e) Staff will complete any required training needed prior to carrying the service weapon on duty.
- (f) Members shall provide written notice of the make, model, serial number and caliber of the service weapon to the Weapons Training Unit Supervisor, who will maintain a list of the information.

312.3.5 AUTHORIZED SECONDARY / OFF-DUTY SERVICE WEAPON

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

- (a) The secondary service weapon shall be in good working order and is subject to approval by Weapons Training Unit Staff.
- (b) No rimfire cartridges are allowed as backup / secondary / off duty service weapons.
- (c) The purchase of the secondary service weapon shall be the responsibility of the member unless the service weapon is provided by the Department.
- (d) The member will only carry the department issued ammunition if the service weapon is in the following calibers:
 - (a) .40 S&W
 - (b) .45 ACP
 - (c) 9mm
 - (d) .38 Special /.357 Magnum
 - (e) .380 ACP
 - (f) If the service weapon is not one of the above calibers, the member will need to get Weapons Training Unit approval for whatever modern hollowpoint ammunition they carry in the weapon.
- (e) The secondary service weapon shall be carried in such a manner as to prevent unintentional cocking, discharge or loss of physical control, and generally be concealed.
- (f) The secondary service weapon may be carried in such situations where this is appropriate (plainclothes, training, etc.). In such cases the secondary handgun shall be carried securely in a belt holster that prevents unintentional cocking, discharge, or loss of physical control.
- (g) The secondary service weapon shall be inspected by the Weapons Training Unit Supervisor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (h) Ammunition shall be the same as department issue. If the caliber of the secondary service weapon is other than department issue, the Chief of Harbor Police or the authorized designee shall approve the ammunition.
- (i) Prior to carrying the secondary service weapon, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification

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schedule. Members must demonstrate proficiency and safe handling, and that the service weapon functions properly.

- (j) Members shall provide written notice of the make, model, serial number and caliber of a secondary service weapon to the Weapons Training Unit Supervisor, who will maintain a list of the information.

312.3.6 DESK SERVICE WEAPONS

Sworn staff working administrative assignments may carry a "desk" service weapon. The weapon will be securely worn in a belt holster. Any desk service weapon will be of a department duty caliber (9mm,.40 S&W, or .45 ACP), and will have a minimum capacity of 6 rounds, with a spare magazine carried by the member. Members may elect to use a suitable weapon from their personally owned qualified off-duty backup service weapon, or may use a department issued service weapon. The qualification course of fire for a desk service weapon will be the same as that for secondary, off-duty or backup service weapons.

312.3.7 AUTHORIZED OFF-DUTY SERVICE WEAPONS

The carrying of firearms by members while off-duty is permitted by the Chief of Harbor 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 service weapon or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty service weapon requirements in this policy. A member carrying his/her duty service weapon 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.
- (c) It will be the responsibility of the member to submit the firearm to the Weapons Training Unit Supervisor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Weapons Training Unit Supervisor.
- (d) Prior to carrying any off-duty service weapon, the member shall demonstrate to the Weapons Training Unit Supervisor 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 service weapon prior to it being carried.
- (f) Members shall provide written notice of the make, model, serial number and caliber of the firearm to the Weapons Training Unit Supervisor, 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 service weapon is met.

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- (h) Members shall only carry department-issued ammunition. If the service weapon is not chambered for ammunition issued by the department (.38 Special, .380 ACP, 9mm, .40 S&W, and 45 ACP) then any ammunition carried must be approved by the Weapons Training Unit Supervisor.
- (i) When armed, officers shall carry their badges and Port of San Diego Harbor Police Department identification cards under circumstances requiring possession of such identification.

312.3.8 AMMUNITION

Members shall carry only department-authorized ammunition. Members may 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 Weapons Training Unit Supervisor when needed, in accordance with established policy.

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

312.4 EQUIPMENT

Service weapons carried on or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned service weapons 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 Weapons Training Unit Supervisor. Weapons Training Unit (WTU) staff who become aware of any significant damage to a department weapon will notify a WTU Supervisor (Sergeant or Lieutenant) without delay.

Firearms that are the property of the Department or personally owned service weapons 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 Weapons Training Unit Supervisor.

Any repairs or modifications to the member's personally owned service weapon shall be done at his/her expense and must be approved by the Weapons Training Unit Supervisor.

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.

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312.4.3 TACTICAL LIGHTS

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

312.4.4 NIGHT SIGHTS OR LASER SIGHTS

Night sights or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Weapons Training Unit Supervisor. Night sights will generally only be installed on personally owned service weapons. If an officer wishes to replace the department supplied night sights on their issued weapon, this must be cleared by the Weapons Training Unit Supervisor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any service weapon, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

312.4.5 RED DOT SIGHTS (RDS) / OPTICS

Officers may elect to purchase and install a red dot sight (RDS) on their personally owned service weapon. The service weapon will be either so equipped to accept an approved RDS, or milled by an approved vendor to accept an approved RDS. Any modifications or RDS sights will be at the officer's own expense.

Any officer who wished to mount a red dot optic will consult the Weapons Training Unit Supervisor for direction on approved red dot sights and vendors for milling/modifying an officer's personally owned service weapon for the purpose of mounting an RDS. The Weapons Training Unit will maintain a list of approved optics and vendors and must approve any vendor not on the list or the modification prior to the weapon being carried..

Any service weapon equipped with an RDS will also be equipped with a back up set of iron sights that are of an appropriate height to be visible through the RSD.

Any holster needed for the service weapon and optic will be approved by the Department and will solely be the responsibility of the officer. All repairs, and maintenance of the service weapon and optic will be the responsibility of the officer.

Officers will complete a Department sponsored or Department approved training class for the carrying of the Red Dot Optic and show proficiency prior to carrying the service weapon / RDS. Proficiency will be determined by means of a department service weapon qualification with no less than 90% of all rounds on the silhouette.

312.5 SAFE HANDLING, INSPECTION AND STORAGE

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

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- (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 Weapons Training Unit Supervisor. Members shall not dry fire or practice quick draws except when conducted in a safe manner with an unloaded weapon.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing can be done safely. Whenever possible a clearing barrel shall be used.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Weapons Training Unit Supervisor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Weapons Training Unit Supervisor will be immediately removed from service. If the firearm is the member's primary duty service weapon, 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 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 all firearms are carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Firearms may be safely stored and secured in locked department lockers or another approved location at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns shall be left loaded in their assigned vehicles to be checked at the beginning of each shift. Rifles shall be unloaded in a safe manner outside the building and then secured in the officer's locker.

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.

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Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100). Rifles will be stored in Harbor Police facilities when officers are off duty. Officers may only take their rifle home for the following reasons:

1. Department Sanctioned Training and it is not feasible for the member to return the weapon back to work.
2. The officer has taken the weapon home for maintenance or cleaning
3. The officer has taken the rifle home for shooting practice.
4. Unit specific mission needs (MARTAC, Task Force Officers, K9, etc.)

In all of the above cases, the rifle shall be returned to the workplace on the first work day the officer returns to work.

312.5.3 ALCOHOL AND DRUGS

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

312.5.4 STORAGE IN VEHICLES

Whether on or off-duty, when leaving a service weapon 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).

312.6 FIREARMS TRAINING AND QUALIFICATIONS

In addition to any other training, all members will qualify at least annually with their department issued service weapon. Members will qualify with off-duty and secondary service weapons at least once a year. If any member carries a duty, off-duty, or secondary service weapon that is an off-roster service weapon, that member must complete a live-fire Department qualification for the off-roster service weapon at least once every six months. (Penal Code §32000(b)(6)).

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.

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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.

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 Captain 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 capicum (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.

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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 WEAPONS TRAINING UNIT SUPERVISOR DUTIES

The range will be under the exclusive control of the Weapons Training Unit Supervisor. All members attending will follow the directions of the Weapons Training Unit Supervisor. The Weapons Training Unit Supervisor 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 Weapons Training Unit Supervisor may result in non-qualification.

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

The Weapons Training Unit Supervisor has the responsibility of making periodic inspection, at least once a year, of all duty firearms (service weapons/handguns, rifles, and shotguns) carried by members of this department to verify proper operation. The Weapons Training Unit Supervisor has the authority to deem any department-issued or personally owned service weapons 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 Weapons Training Unit Supervisor.

The Weapons Training Unit Supervisor 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 Weapons Training Unit Supervisor 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 Weapons Training Unit Supervisor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

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312.9 RETURN OF FIREARMS

Issued weapons shall be turned in to Weapons Training Unit (WTU) staff when an officer leaves the department. If a WTU member is not working, the watch commander or supervisor on duty shall secure the weapon until a member of the Weapons Training Unit is available. Officers turning in a weapon must physically hand it off to one of the above.

312.9.1 DUTY OF WEAPONS TRAINING UNIT STAFF

WTU staff will receive a weapon without delay when turned in by staff. The weapon will be checked, inspected, and re-entered into the armory system without delay. The weapon will then be secured in the armory and appropriately tagged (ready for issue, maintenance needed, turned in, hold for...etc.) Any discrepancies with the weapon (damage, missing parts, etc.) will be immediately referred to a Weapons Training Unit Supervisor.

312.9.2 OFFICERS OUT OF THE WORKPLACE

Sworn members who are out of the workplace due to any reason other than scheduled vacation or training, for any amount of time over 2 weeks will secure all department issued equipment in their lockers, and the department will secure their issued weapons in the armory. The weapon will be secured in the Armory and tagged until the member returns to the workplace.

Response To And Investigations of Bank Robberies Protocol

313.1 PURPOSE AND SCOPE

The purpose of this protocol is to provide consistency in inter-agency response to and the investigation of bank robbery incidents.

313.1.1 BACKGROUND

During countywide investigative meetings it became apparent there was an inconsistent response by local law enforcement agencies and the FBI in both their preliminary and follow-up investigations of bank robberies. A county-wide sub-committee was formed of representatives from every law enforcement agency in San Diego County who have the responsibility to investigate bank robberies. The sub-committee's mission was to develop and recommend a regional protocol for the response to and the investigation of bank robberies.

313.1.2 DEFINITIONS

A. "Incident" means all bank robbery calls.

B. "Local Agency" means the police agency with primary law enforcement jurisdiction over the area where the incident occurred.

C. "NCUA" stands for National Credit Union Association.

D. "FDIC" stands for Federal Deposit Insurance Corporation.

E. An Electronic Tracking Device is a GPS and/or radio frequency device typically concealed within a bundle of U.S. currency.

313.1.3 POLICY

Bank robberies will be investigated jointly between the local law enforcement agency and the Federal Bureau of Intelligence and Investigations Section (FBI), with full cooperation between investigators representing all involved agencies. Information or reports developed by investigators shall be made available to all involved agencies, as needed, and as permitted by law.

313.1.4 PATROL RESPONSE

The following procedures should be followed when responding to all bank robbery calls:

1. Dispatch will send a minimum of two units. Responding units should assume tactical perimeter positions. If an Electronic Tracking Device is deployed by the bank, responding units will follow their established procedure. Broadcasting un-coded information regarding electronic tracking devices over open frequencies could be monitored and compromise the investigation.

2. After the appropriate responding units have arrived on scene and are prepared to handle the incident, the dispatcher will call the bank and ask to speak with the manager or assistant manager. Dispatch will advise the manager or assistant manager of the alarm call and ask if there is a problem inside the bank.

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3. The officers on scene will advise dispatch of how and where the bank representative should exit the building. Dispatch will relay that information to the bank representative when directed by officers on scene.
4. The bank representative should not be advised or requested to leave the bank until that request is made by the responding units.
5. If within a reasonable time the representative does not appear as requested, the incident will be considered valid. Officers will maintain perimeter positions until further information is obtained. Some considerations at this point may be a barricaded suspect(s), a hostage situation or a take-over style robbery.
6. Response to this type of incident is a primary responsibility of the Patrol Division. Personnel, other than uniformed officers, responding to the location should take up surveillance positions. They should not approach nor enter the immediate area until instructed by the on-scene supervisor/primary officer.
7. Once the incident is confirmed as valid, the agency's communication center will notify the FBI and request their estimated time of arrival. It shall be the responsibility of the patrol supervisor to ensure the appropriate agency detective division is notified of the incident.
8. Once the scene is determined to be safe and the suspect is either in custody or has fled the scene, patrol personnel will begin the preliminary investigation. This should include the following:
 - a. The following information should be broadcast: The amount of money taken and the presence of any electronic tracking devices.
 - b. Obtain be-on-the-lookout (BOL/BOLO) information: Suspect(s) description, vehicle description, weapons(s) seen or threatened, direction of travel and any other pertinent information.
 - c. Identify and separate witnesses and take preliminary statements.
 - d. Determine if photos or video of the suspect(s) is readily available. If so, request it be obtained by an employee other than the primary victim(s) for viewing or printing of still photos.
 - e. The primary victim(s) or witnesses should not view any video or photos of the suspect(s).
 - f. Check for and secure any physical evidence, leaving it in place (if possible) until the proper collection method/personnel is determined.
 - g. Canvass neighboring businesses, residences and escape routes for witnesses, surveillance video and other evidence.
 - h. Complete the crime report. Do not list a loss amount even if known. If there is a monetary loss, only list \$1 or TBD. The actual loss should be documented in the investigation follow-up.

313.1.5 DETECTIVE/FBI RESPONSE AND ROLES

It is the policy of the FBI to respond to all bank robberies which are NCUA and FDIC insured.

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It shall be at the discretion of the local jurisdiction investigative supervisor to initiate a detective response. Upon arrival, the lead detective will identify himself as such and liaison with the lead FBI agent. It is the policy of the FBI that they will always interview the victim teller. It is the preference of the FBI that all interviews of the victim teller be conducted jointly by an FBI agent and a local agency representative.

Prior to beginning any interviews, the local agency representative and FBI agent will determine who will be documenting the interview. Recording of interviews will be at the discretion of the detective or agent writing the report. This does not preclude or diminish Patrol's responsibility of properly documenting their interviews.

The case will be worked jointly through to completion.

313.1.6 EVIDENCE

Any demand notes must be reviewed by the FBI prior to being collected and impounded.

The FBI shall be responsible for collecting any security photos or videos from the bank. This does not preclude the local agency from collecting a copy of any video evidence if available. The local agency shall be responsible for all other evidence collections and impounds. The FBI Evidence Response Team is available upon request and shall be coordinated through the case agent.

313.1.7 DEBRIEF

Prior to clearing the bank, it is suggested that a debrief by all involved personnel be conducted. This allows personnel to verify information, ensure tasks have been completed and identify and assign pending responsibilities.

313.1.8 NEWS MEDIA

The FBI will coordinate the initial press release after all bank robberies. It is recommended the local agency and the FBI communicate with each other prior to releasing any additional information to the media. This is to ensure an accurate and consistent release of information.

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.

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.

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 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code

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§ 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

314.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and officer vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

314.2.2 WHEN TO TERMINATE A PURSUIT

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

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The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

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

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

314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds 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.

314.2.4 PURSUITS APPROACHING THE INTERNATIONAL BORDER

(a) Under no circumstances will pursuing units cross the International Border.

(b) Pursuit units shall not be any closer than fifty (50) feet of the International Border gates.

(c) Due to traffic conditions and physical barriers that exist between traffic lanes near the San Ysidro Port of Entry, pursuits where the fleeing vehicle is wanted for minor, non-violent violations

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should be discontinued a minimum of one mile prior to the International Border, at supervisory discretion.

1. CHP ONLY: Pursuits meeting the above criteria, in which the CHP is the primary agency, should be discontinued at the discretion of the pursuit supervisor at the following locations.

Southbound Interstate 5 at Dairy Mart Road

Southbound Interstate 805 at Interstate 905

2. For the purposes of this protocol, "discontinued" is defined as pursuing vehicles turning off all emergency equipment and exiting the freeway.

(d) In those pursuits where the fleeing vehicle is wanted for violent and/or atrocious felonies, involved agencies shall use the pre-agreed upon tactics as a basis for apprehension when the pursued vehicle reaches the International Border.

(e) In order to give warning to Mexican authorities and to provide them an increased degree of safety, US Customs and the San Diego Police Department will be advised by the involved agency of any pursuit heading southbound of Interstate 8. They in turn will advise the Mexican authorities. This shall occur whether or not the pursuit is discontinued. Every effort should be made to update Customs and the San Diego Police Department when a pursuit is terminated prior to the International Border.

(f) In the event the pursuit is terminated prior to the International Border, Mexican authorities shall be advised by US Customs and the San Diego Police Department.

314.3 PURSUIT UNITS

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

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

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.

314.3.1 MOTORCYCLE OFFICERS

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

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

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314.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

314.3.4 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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314.3.5 PURSUIT DRIVING

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

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

314.3.6 PURSUIT TRAILING

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

314.3.7 AIR SUPPORT ASSISTANCE

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

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road

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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.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

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

314.4.1 WATCH COMMANDER RESPONSIBILITIES

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

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

314.5 DISPATCH

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

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the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies and units.

314.5.1 DISPATCH RESPONSIBILITIES

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

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

314.5.2 LOSS OF PURSUED VEHICLE

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

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

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

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Port of San Diego Harbor 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.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the pursuing

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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 Port of San Diego Harbor 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.

314.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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

314.7.1 WHEN USE IS AUTHORIZED

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

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

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314.7.2 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).

314.7.3 INTERVENTION STANDARDS

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

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

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- (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. Roadblocks may be used only under circumstances when deadly force would be authorized.
 - 5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

314.7.4 CAPTURE OF SUSPECTS

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

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

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

314.8 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Harbor Police or the authorized designee. This log or memorandum should include, at a minimum:
 - 1. Date and time of pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved units and officers.
 - 5. Alleged offenses.
 - 6. Whether a suspect was apprehended, as well as the means and methods used.
 - 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 - 8. Any injuries and/or medical treatment.
 - 9. Any property or equipment damage.
 - 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Harbor Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

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Annually, the Chief of Harbor 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.

314.8.1 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.

314.8.2 POLICY REVIEW

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

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

314.9.1 COUNTY WIDE PURSUIT POLICY

This policy complies with the procedures set forth in the San Diego County Regional Pursuit Policy.

314.9.2 COUNTY WIDE PURSUIT PROTOCOL EVALUATION COMMITTEE

- (a) Representation-Each participating agency will identify or select a representative from their agency to participate as a committee member to evaluate the protocol.
- (b) Annual Evaluation - An annual evaluation will take place no later than July 30th or as needed. In addition to the annual review, the hosting agency for the following year will be established.
- (c) The head of any participating agency may request the evaluation committee to convene at any time after a pursuit to evaluate the protocol effectiveness.

314.10 POLICY

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

Officer Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

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

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

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

316.3 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 Dispatch.

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 immediately notify Dispatch. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Dispatch 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.

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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 Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

316.6 COMMUNICATIONS RESPONSIBILITIES

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

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

316.7 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,

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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 Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

Canine Program

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 and contraband and apprehending criminal offenders.

318.2 DEFINITIONS

(a) Police Service Dog: A Police Service Dog is a canine owned by the Harbor Police Department, or other governmental agency, and assigned to a Harbor Police handler for the purpose of assisting in law enforcement functions. Harbor Police Service Dogs are for the purposes of detection only. None of the Harbor Police Dogs are "bite" and/or "attack" trained.

(b) Explosive Detection Dog: An Explosive Detection Dog is a Police Service Dog with the primary function of explosive and explosive device detection. Presently, all Harbor Police Explosive Detection Dogs are owned by the Transportation Security Administration (TSA) and are involved in the TSA National Explosive Detection Canine Training Program (NEDCTP).

(c) Narcotic Detection Dog: A Narcotic Detection Dog is a Police Service Dog who is trained in the detection of illicit narcotics commonly found in the San Diego County area. The Port of San Diego, Harbor Police Department, owns all of the Harbor Police Narcotic Detection Dogs.

(d) Handler: A handler is a Harbor Police Officer, Corporal or Sergeant who has received departmentally approved specialized training in working with a detection canine, and is assigned a Police Service Dog.

(e) Canine Team: A Canine Team is a handler and a Police Service Dog who are certified either by the TSA (Explosive Detection) or P.O.S.T. (Narcotics Detection) to work together as a detection team.

318.2.1 K-9 HANDLER SELECTION AND CHAIN OF COMMAND

. The Explosive Detection and Narcotic Detection K-9 positions are special assignments. K-9 handlers are selected in accordance with Harbor Police department standard operating procedure §1003. All Explosive Detection K-9 Teams are under the direct supervision of the Explosive Detection K-9 Unit supervisor and managing lieutenant. The Narcotics Detection Dog Team may be assigned to a patrol squad and directly supervised by squad supervisors for operational matters; or may be attached to the Investigations Section as determined by the Chief of Police or his or her designee. The Narcotics Detection Dog handler reports to the K-9 Unit supervisor and managing lieutenant for all administrative matters.

(a) Explosive Detection Dogs: HPD Explosive Detection Dog Teams will respond to calls for explosive detection service for suspicious objects in public access areas, in or around buildings, aircraft, vehicles, open areas, VIP functions and/or searches, labor disputes and where prior intelligence indicate locations that may be targeted for explosives. HPD Explosive Detection Dog

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Teams will maintain high visibility by conducting proactive airport patrols in areas open to the public, such as: terminal buildings, baggage claim areas, ticket counters, etcetera

(b) Narcotic Detection Dogs: The Narcotic Detection Dog Teams when assigned to patrol will respond to routine and emergency calls for service. When the Narcotic Detection Dog Team is not assigned as a patrol unit he or she may respond to calls for service and calls for support as available.

318.2.2 CANINE GUIDELINES

(a) K-9 team handlers will maintain positive control of their canine partners in public areas. Exceptions would include specific training or operational scenarios or needs. Canine partners will not be left unattended in any public area.

(b) While working any assignment, the K-9 team handler will decide whether to keep his or her canine partner in the kennel or with the handler.

(c) The K-9 vehicle maybe used while on-duty and when necessary to transport the assigned canine, or when off-duty but on-call and the canine is with the handler. The vehicle will be secured when unattended.

(d) Canines will not be left in vehicles for excessive periods of time. K-9 handlers will not leave the dog in the vehicle without insuring the climate control is functioning properly. K-9 handlers will not rely solely on the climate control and will regularly check on the canine's condition.

(e) K-9 team handlers will keep their issued vehicles maintained as required and needed by the District's General Services Department. Handlers will keep issued vehicles clean and organized.

(f) K-9 team handlers are permitted exceptions to uniform requirements in the following situations:

1. In the event of an emergency call-out during off-duty hours, K-9 team handlers may respond to the call for service in reasonable civilian attire.

2. During annual certifications, K-9 handlers are authorized to remove body armor, duty belt with equipment and uniform shirt.

(g) Under no circumstances will Harbor Police service dogs be agitation trained. Use of a "bite sleeve" or any other agitation-training device is strictly prohibited.

(h) Each K-9 handler is responsible for insuring the health and welfare of his or her issued canine. This includes, but is not limited to:

1. Proper feeding and grooming
2. Cleanliness of the canine, kennels, and vehicles
3. Arranging for routine and emergency veterinary care

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318.2.3 DAILY DUTIES

(a) Explosive Detection K-9 handlers will ensure they provide a visible presence at the airport to increase public awareness and provide a visible deterrent to acts which would affect public safety or air carrier operations.

(b) Explosive Detection K-9 handlers shall comply with all TSA security directives regarding the use of explosive detection K-9 teams at the airport and other venues.

(c) Explosive Detection K-9 handlers shall comply with all requirements set forth in the TSA Explosives Detection Canine Team Cooperative Agreement. A copy of the Cooperative Agreement will be provided to each K-9 Team handler and a copy will be retained on file in the K-9 Team office.

(d) The K-9 Unit supervisor shall establish an on-call list to ensure there is always an Explosive Detection Dog team on-call. While on-call it shall be the responsibility of the on-call Explosive Detection K-9 handler to ensure he or she is able to respond to a scene within the timeframe required in accordance with TSA guidelines. The on-call Explosive Detection K-9 handler shall arrange for another Explosive Detection K-9 handler to be on-call should he or she become unavailable to respond to calls for service. The Canine Unit supervisor must approve such arrangements in advance or if it is unexpected be notified immediately.

(e) Each Explosive Detection K-9 handler will make every effort to complete proficiency training each workday. This training should include, but is not limited to: wide-body aircraft, narrow-body aircraft, terminal buildings, luggage, air freight areas, vehicles, and open areas.

(f) Explosive Detection K-9 handlers should not be assigned to handle routine patrol matters unless absolutely necessary. However, Explosive Detection K-9 handlers may volunteer to handle calls for service by informing Communications.

(g) Training records will be completed in accordance with TSA guidelines using the standardized computer reporting system.

318.2.4 USE OF BOMB/EXPLOSIVE DETECTION DOGS

Explosive Detection K-9 Teams may be used under the following conditions:

(a) When an airline, business, or municipality requests a team to search for a suspicious object or a bomb threat has been received.

(b) When a vehicle, vessel, aircraft, object, or structure is the subject of a bomb threat, or indicators of one existing are likely.

(c) Where one device has already been located and a search is necessary for a secondary device.

(d) When a suspicious object or device has been found at the airport or anywhere else on Tidelands and HPD officers request the presence of a K-9 Team, with approval of the on-duty supervisor.

(e) When outside law enforcement agencies request assistance, per the mutual aid agreement (s). These calls may include VIP and dignitary vehicle searches, public demonstrations, bomb threats

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to schools, and/or other emergency calls for service on or off Tidelands. The K-9 Unit supervisor, Watch Commander or the managing lieutenant must give approval for these requests for service.

(f) When a suspicious item has been found and is not immediately recognizable as an explosive device. Items that are recognized as explosive devices WILL NOT be evaluated by Harbor Police Explosive Detection canines, but will be referred to the City of San Diego Metro Arson Strike Team (MAST), OR the County of San Diego Sheriff's Department Arson and Explosives Unit.

NOTE: The final determination of whether a K-9 Team will search an area will be at the handler's discretion. The handler is ultimately responsible for the canine partner's safety, his or her own safety, other officers' safety, and the public's safety. If the handler deems a search cannot be completed in a safe manner, the handler will not utilize the dog and will not be ordered to do so.

318.2.5 NARCOTICS DETECTION CANINE HANDLER CALL-IN AND USE

(a) While assigned as a vehicle unit, the Narcotics Detection K-9 handler may be called by other units to check for narcotics in accordance with contemporary case and statutory laws, with the approval of the shift supervisor.

(b) Narcotic detection K-9 teams generally will not be called in from home unless approved by the on-duty Watch Commander.

(c) Narcotic detection K-9 handlers will document all training using an approved Harbor Police computer software program.

318.2.6 EXPLOSIVE AND NARCOTIC TRAINING AIDS - USE AND MAINTENANCE

(a) Explosive training aids will be maintained, transported and utilized in accordance with TSA standards as outlined in the TSA Standard Operating Procedures.

(b) Whenever explosive training aids are being utilized for training, the Harbor Police Communications Center will be advised of the location of the training and when training starts and ends.

(c) Narcotic training aids will be maintained, transported and utilized per Harbor Police Department Standard Operating Procedures.

(d) To prevent cross-contamination, explosive and narcotic training aids will never be stored, transported or utilized in a training problem together.

(e) Lost, misplaced, or discovered missing explosive or narcotic training aids will be immediately reported to the K-9 Unit supervisor. The K-9 Unit supervisor will make every effort to immediately resolve lost aids (find the training aid). If the aid cannot be found the K-9 Unit supervisor will notify the proper chain of command and notify the TSA as required.

318.2.7 K-9 UNIT SUPERVISOR NOTIFICATION

(a) The K-9 Unit supervisor is responsible for maintaining and distributing weekly work schedules as needed.

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(b) K-9 handlers will notify HPD Communications via radio or by telephone at the beginning of, and at the end of each shift..

(c) The K-9 Unit supervisor will be immediately notified of:

1. Dog bites involving any Harbor Police Service Dog
2. Anytime a Police Service Dog or handler is injured
3. Significant illness of a Police Service Dog
4. Anytime a handler does not know the whereabouts of his or her Police Service Dog
5. Any accident involving an issued vehicle
6. Any call-out of Police Service Dogs
7. When a device is found during an Explosive Detection Dog search
8. When a major amount of narcotics is discovered during a Narcotic Detection Dog search
9. Any significant use that may create media interest

(d) Routine calls for service during the K-9 team's normal shift do not require immediate notification of the K-9 Unit supervisor unless one of the situations noted above occurs. In these instances, a copy of the canine report placed in the K-9 Unit supervisor's mailbox or an e-mail will suffice as proper notification of utilization.

(e) The K-9 Unit supervisor will establish a fair and rotating call-in list for Explosive Detection Dog teams.

318.2.8 VETERINARY CARE

(a) In the event of serious injury or illness the Police Service Dog will be taken without delay to the designated veterinary clinic during office hours.

(b) If outside normal business hours, Police Service Dogs will be taken to civilian emergency veterinary clinics.

318.3 REQUEST FOR USE OF CANINE TEAMS

(a) Explosive Detection Dog Teams

1. If an Explosive Detection Dog is needed, and there are teams working, requests will be made through the Communications Center and the dispatcher will assign the units accordingly.
2. If there are no Explosive Detection Dogs on-duty, the dispatcher shall telephone/page the on-call Explosive Detection Dog Team and the K-9 Unit supervisor.
3. If unable to contact the on-call team within a reasonable time, then a "universal page" of all Explosive Detection Dog teams will be conducted requesting any available team to respond.

(b) Narcotic Detection Canine Teams

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1. If a Narcotic Detection Dog is needed and there is a team working, requests will be made through the Communications Center.
2. If there is not an on-duty Narcotic Detection Dog, requests for service may be made of member city agencies through the Watch Commander.

(c) Other Requests for Service

The K-9 Unit supervisor or managing lieutenant must approve all public requests for demonstrations or talks.

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The K-9 Supervisor or Watch Commander must approve all requests for explosive detection or narcotic detection canine assistance from outside agencies subject to the following provisions:

- (a) Canine teams shall not be used beyond the boundaries of the District of Unified Port of San Diego to perform any assignment which is not consistent with this policy.
- (b) Upon arrival at the scene, the K-9 handler has the ultimate decision as to whether or not the canine is to be used for a specific assignment.
- (c) Canine teams shall not be called out while off duty or used outside the boundaries of the District of Unified Port of San Diego unless authorized by the K-9 Unit supervisor or Watch Commander..

318.4 CANINE HANDLER RESPONSE TIME REQUIREMENT

All Harbor Police Explosive Detection Dog handlers must reside in a primary residence that allows for a non-emergency response time to the San Diego International Airport within 45 minutes or less (without the use of emergency lights and siren).

318.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Watch Commander.

318.5.1 EXPLOSIVE DETECTION K-9 HANDLER CALL-OUT RESPONSIBILITY

The Explosive Detection K-9 handler shall be available for call-out in accordance with this policy and the conditions specified by the K-9 Supervisor and managing lieutenant.

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318.5.2 EXPLOSIVE DETECTION AND NARCOTICS DETECTION CANINE AND EQUIPMENT CARE

The 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 good living conditions. The handler will be responsible for the following:

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on duty shall store his or her assigned canine vehicle in a garage, secured from public view.
- (c) When a handler takes a vacation or extended number of days off, his or her assigned canine vehicle shall be stored at the Harbor Police facility.
- (d) Handlers shall permit the K-9 Supervisor to conduct spontaneous on-site inspections of affected areas of their residence, as well as, the canine vehicle unit to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the K-9 Supervisor or managing lieutenant as soon as possible.
- (f) When off-duty, canines shall be maintained in kennels, provided by the District, at the handlers' homes. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- (g) 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.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the K-9 Unit supervisor or managing lieutenant.
- (i) When off-duty, canine handlers shall not involve their canines in any work-type activity unless approved in advance by the K-9 Unit supervisor.
- (j) Whenever a canine handler takes a vacation or is absent from work for an extended number of days, it may be necessary to temporarily relocate the canine. The handler shall advise the K-9 Supervisor or managing lieutenant, in advance, so appropriate arrangements can be made.

318.5.3 CANINE IN PUBLIC AREAS

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

- (a) Canines shall not be left unattended in areas accessible to the public.
- (b) When the canine vehicle unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle unit remains inhabitable for the canine.

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318.5.4 K-9 HANDLER COMPENSATION

The canine handler shall be allowed one-hour per regularly scheduled work day, whether or not on-duty, for the care, feeding, grooming and other needs of the dog in accordance with the Fair Labor Standards Act. The care, feeding and grooming of the canine at all other times is compensated by differential pay in accordance with the District's Salary Ordinance.

318.6 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public. Health & Safety Code § 11367.5 provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, at his or her discretion, provide controlled substances in his or her possession for training purposes:

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

318.6.1 CONTROLLED SUBSTANCE TRAINING AID GUIDELINES

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

- (a) All necessary controlled substance training samples shall be acquired from the Port of San Diego Harbor Police Department's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 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 by the K-9 Unit supervisor. The results of the quarterly testing shall be recorded and maintained by the K-9 Unit supervisor with a copy forwarded to the dispensing agency.

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

(f) The K-9 Unit supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take appropriate corrective action.

(g) Any unusable controlled substance training samples shall be returned to the San Diego Police Department's Property Room 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.

318.6.2 CONTROLLED SUBSTANCE TRAINING AIDS - LAWFUL POSSESSION

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

318.7 EXPLOSIVE TRAINING AIDS - LAWFUL POSSESSION

Explosive training aids are required to effectively train and maintain the skills of explosives detection dogs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Penal Code § 12302). The use of explosives or destructive devices for training aids is subject to the guidelines as set forth by the Transportation Security Administration.

Dive Team

319.1 PURPOSE AND SCOPE

The Harbor Police Department will maintain a Dive Team as described in this Standard Operating Procedure, to meet the following objectives:

- (a) Provide the highest possible capability for surface and subsurface response for the San Diego Unified Port District.
- (b) Develop and maintain the ability to conduct security assessments of bridge pilings, vessel hulls, piers, quay walls, docks, and other important public or military assets for the advancement of Homeland Security. Security assessments will include, but are not limited to, searches for improvised explosive devices, limpet mines, weapons of mass destruction, other destructive devices, structural integrity, signs of terrorist activity, and any other unusual circumstances.
- (c) Provide water and underwater search and recovery diving and investigations capability for crime or accident cases, including but not limited to the following:
 - 1. Body recovery
 - 2. Evidence recovery
 - 3. Sunken vessels
 - 4. Submerged vehicles
 - 5. Submerged aircraft
 - 6. Explosive devices
 - 7. Parasitic Devices
- (d) Train and maintain expertise in current techniques of underwater evidence collection and recovery.
- (e) Provide community service in the form of water safety education, public relations demonstrations, and recruiting presentations.
- (f) Provide Mutual Aid assistance to surrounding agencies within San Diego County.

319.2 DEFINITIONS

(a) Dive Team: The Dive Team will be assigned by the Chief of Police, organized as described in this section, and trained as described in this policy. These assignments, as well as recall information, will be promulgated by the Dive Sergeant and maintained at the Watch Commander's office and Harbor Police Dispatch. The Dive Sergeant will update the roster and recall list as changes occur within one week of notification.

(b) Rescue Mode: Diving operations conducted within 60 minutes of the latest reported time of loss of a human victim.

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- (c) Recovery Mode: Diving operations conducted wherein there is no possibility of rescue of a human victim.
- (d) Training Mode: Scheduled dives to maintain proficiency in the various dive skills used by the Dive Team.
- (e) Dive Lieutenant: The Dive Lieutenant is appointed by the Chief of Harbor Police. The Dive Lieutenant will be responsible to the Patrol Captain for the management of the Dive Team.
- (f) Dive Sergeant: The Dive Sergeant(s) is appointed by the Chief of Harbor Police. The Dive Sergeant will be responsible to the Dive Team Lieutenant for the conduct of all underwater diving operations and related support activities of the Dive Team.
- (g) Dive Training Coordinator: An experienced Harbor Police Diver who is assigned by the Dive Sergeant to assist him/her in scheduling and conducting recurrent Dive Team training.
- (h) Maintenance Officer: Dive Team Member assigned by the Dive Sergeant to monitor the inventory and status of Dive Team and individual divers' equipment, to prepare and submit the annual dive budget and submit equipment for repair or replacement as required.
- (i) Dive Supervisor: A Dive Team Member who has been evaluated by a Dive Sergeant as a Dive Supervisor and approved to be in charge of diving operations. Dive Supervisors will have normally been assigned to the Dive Team for one year and will have participated in at least ten dives prior to being appointed. The Dive Supervisor of a Dive Operation will qualify for Lead Differential Pay Type for the duration of the dive. At least one person on each dive call should be a Dive Supervisor.
- (j) Dive Statistician: An officer assigned by the Dive Sergeant to maintain records of the Harbor Police Dive Team activities. Records will be kept detailing dives, equipment status, and diver's training certifications.
- (k) Diver: An officer assigned by the Chief of Harbor Police, to perform underwater diving duty with the Dive Team. Divers assigned must be full-time sworn Harbor Police officers.

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319.3 QUALIFICATIONS

- (a) Applicants for the Dive Team must be "Advanced Open Water SCUBA Divers" or equivalent, certified by a nationally recognized agency that trains divers and issues SCUBA diving credentials. (i.e. SSI, NAUI, PADI, YMCA, L.A. County, U.S. Navy and others as approved by the Chief of Harbor Police).
- (b) Applicants shall be sworn officers of the Harbor Police Department who have completed their probationary training period.
- (c) Applicants must be able to provide certification cards and proof of dive experience in the form of a dive log with at least twenty logged dives or equivalent experience.

319.3.1 SCREENING PROCESS

Applicants will be screened as follows:

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- (a) At least one check-out dive with the Dive Sergeant or designated Dive Team member, including as a minimum: Advanced SCUBA skills review, search techniques, object recovery; and
- (b) An interview conducted by the Lieutenant or at least one other experienced member of the Dive Team as assigned by the Dive Lieutenant.
- (c) Assignment to the Dive Team will be made by the Chief of Harbor Police after receiving recommendations from the Dive Lieutenant / Sergeant. Officers assigned will then be given a complete medical examination according to the District Personnel Rules prior to conducting any diving operations.
- (d) Once an applicant is assigned to the Dive Team, the diver will be required to complete the San Diego Harbor Police Dive Team training course.
- (e) The skill items in the San Diego Harbor Police Dive Team training will be determined by the Dive Sergeant and approved by the Dive Team Lieutenant. The training may be updated as necessary to represent the responsibilities of the Dive Team.

319.4 TRAINING

Dive training will be scheduled through normal Department procedures in order to maintain proficiency in diving operations, and to meet the objectives stated in this policy.

- (a) A minimum of two five-hour dive sessions will be scheduled during each calendar month.
- (b) Officers shall be given at least two-weeks notice in advance of scheduled dives.
- (c) Officers unable to attend a dive session, which has been announced at least two weeks in advance, shall notify the Dive Sergeant or Dive Team Leader in advance.
- (d) Divers who are absent from two or more dive training sessions during a calendar month without the permission of the Dive Sergeant may be subject to discipline up to and including removal from the team at the discretion of the Chief of Harbor Police upon recommendation from the Dive Lieutenant.
- (e) Dive Team members may also be assigned to attend additional training courses in accordance with the Department's training plan.

319.5 DIVE TEAM RESPONSE

On-duty diver(s) will be immediately dispatched in "Rescue Mode" (Code 3 must be authorized) to all emergency dive calls. Additional divers will be called in by telephone as required. Routine dive calls will be scheduled through normal Department procedures. The Dive Sergeant will be notified of all dive operations as soon as possible (unless already involved). Specific guidelines and operational minimums for the three modes of diving operations are as follows:

- (a) Rescue Mode: Within sixty (60) minutes of the latest reported time of loss of human victim

1. Operations Minimums:

- a. Dept (maximum depth = 130 feet SCUBA)

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b. Personnel Required: (Minimum = 2) - 1 Diver and 1 Line Tender in radio communication with HPD Dispatch. The Line Tender need not be a diver if second diver en route.

2. Other Considerations: Vehicle Accidents with possible victims:

- a. Tow Truck dispatched at same time as ambulance
- b. Second diver dispatched or called in immediately
- c. Consider the type vehicle and cargo (caustic, toxic, corrosive, fuel, etcetera)

(b) Recovery Mode: Over sixty (60) minutes after the latest reported time of loss of victim and/or evidence, property, unoccupied vehicle recovery, or crime/accident scene survey

1. Operation Minimums:

- a. Risk versus Benefit analysis: (Evaluated by Patrol Sergeant and Dive Supervisor) Consider risks such as time of day or night, current/tide, and weather conditions versus the perishable nature of evidence/search object sought.
- b. Depth (maximum depth) = 130 feet on SCUBA)
- c. Personnel Required: (Minimum= 3) - One (1) Dive Supervisor (may also serve as Line Tender, normally does not enter water); and, two (2) Divers, one (1) Safety Diver. (May be one of the two divers or the Line Tender if ready to enter the water immediately and in direct communication with the Diver.) The Line Tender must have radio communications..

2. Exceptions: One (1) Diver is authorized to dive under the following circumstances:

- a. Checking or clearing screws of moored vessels
- b. Hooking up tow cables to unoccupied vehicle at launch ramp
- c. Exceptional circumstances as directed by the Watch commander, if acceptable to the Diver(s)

(c) Surface Rescue

1. Operation Minimums

a. Risk-vs-Benefit: (Evaluated by Patrol Sergeant and Dive Supervisor) Consider risks such as number and location of victim(s), condition of victim(s), time of day or night, current/tide, and weather conditions, versus the immediate need to affect a rescue.

b. Personnel Required: (Minimum = 1): 1 SCUBA diver or surface/ rescue swimmer for an immediate and exigent rescue. Team Leader must evaluate the Risk-vs-Benefit of deploying a single diver rather than wait for additional divers to respond.

(d) In-Water Suspect Apprehension

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1. Operation Minimums

- (a) Risk-vs-Benefit: (Evaluated by Patrol Sergeant and Team Leader) Consider risks such as number and location of suspect(s), combative/non-compliant behavior, suspect weapon(s), time of day or night, current/tide, and weather conditions, versus the immediate need to place the subject into custody.
- (b) Personnel Required: (Minimum = 3): 1 SCUBA diver and 2 surface/ rescue swimmers. Team Leader must evaluate the Risk-vs-Benefit of deploying the divers to affect an apprehension vs. containing and monitoring the suspect until further resources are on scene. The Dive Supervisor can evaluate the need for an officer in full SCUBA gear and make an exception based on conditions (i.e. depth of water).

319.5.1 DIVE/NO-DIVE DECISION

The Watch Commander has overall authority over patrol functions, including diving operations, and will authorize all dive calls. However, the final decision whether or not to commence diving operations rests with the Dive Supervisor on scene. The Dive Team Leader at each dive call will assess the risk versus benefit and if he or she determines that the dive can be conducted with reasonable safety the diver(s) will commence the dive. If the Dive Team Leader on scene determines that the risk outweighs the benefit the dive will not be conducted. No diver who objects to the dive for safety reasons can be ordered to dive.

319.5.2 SERVICE CLASSIFICATIONS

(a) Emergency Dive Call:

1. Any recent report of a potential drowning or of a person missing in the water.
2. Any recent boat collision involving the risk of persons in the water.
3. Boat / Marina fires, in case of victims or fire fighters entering the water.
4. Any vehicle accident involving a vehicle in the water where the possibility of victim(s) has not been eliminated.
5. Any recent sunken vessel report wherein the possibility of victim(s) has not been eliminated.
6. Any specific bomb threat to a vessel or a Port asset that is on or in the San Diego Harbor. Example: A bomb threat to the cruise ship terminal.
7. Any other circumstance wherein the Watch Commander determines an immediate requirement for underwater rescue, recovery or investigation.
8. Any regional request that includes the above named circumstances

NOTE: If in doubt, it is better to dispatch divers rather than wait.

(b) Routine Dive Call:

1. Under any circumstance wherein the Watch Commander or higher authority determines or approves the requirement for underwater recovery, survey or investigation, the Dive Team may be scheduled through normal Department procedures for assignment or call-in.

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2. Recurring security assessments of Port of San Diego assets such as the San Diego Coronado Bay Bridge, 10th Avenue Marine Terminal, etc.
3. Recurring training dives to maintain the necessary skill set to meet the requirements and responsibilities of the San Diego Harbor Police Dive Team.

319.6 DIVER'S RESPONSIBILITY

- (a) All personnel assigned to the Dive Team shall have current contact information made available to the Watch Commander or dispatch for recall.
- (b) Dive Team Members are expected to return all calls from the dispatcher and/or Watch Commander's office. Failure to do so may result in disciplinary action.
- (c) Any member reporting for duty for vehicle patrol or vessel patrol shall be available to dive with all issued/required equipment at their respective duty assignments. Divers assigned to airport patrol shall not be required to take their issued/required equipment to the airport. Divers not available to dive for any reason shall notify the Watch Commander or their supervisor at the start of every shift.
- (d) Divers who have received notice at least two weeks in advance of a scheduled dive shall attend the dive unless he/she has received prior authorization from the Dive Sergeant to be absent.
- (e) Each diver must successfully complete an annual dive assessment which may include a standardized in-water skills evaluation. A diver must attend a minimum of six (6) in-water training dives annually (at least two dives per trimester). The training data will be accumulated from January 1 through December 31 of each year. Additional training is encouraged, but dives exceeding the minimum requirements will not be carried over into the next trimester or from the previous year.
- (f) Divers who do not successfully complete the skills evaluation may be required to attend additional training. The diver will then be given the opportunity (generally within six months of the initial evaluation) to remediate the skills evaluation. Failure to successfully pass the skills evaluation on the second attempt may result in the diver's removal from the Dive Team.

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 Port of San Diego Harbor 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.

320.3.1 MISDEMEANOR ARRESTS

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

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

1. A current or former spouse
2. A current or former cohabitant (Family Code § 6209 definition)
3. A fiancé or fiancée
4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship
5. A person with whom the suspect has parented a child
6. A child of the suspect or a child of one of the above listed categories

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7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship

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

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

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

320.3.2 FIELD RELEASE

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

(a) Any of the following may support the likelihood of a continuing offense:

1. Whether the suspect has a prior history of arrests or citations involving domestic violence.

2. Whether the suspect is violating a Stay Away Order issued by a criminal court.

3. Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order.

4. Whether the suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).

5. Statements from the victim that the suspect has a history of physical abuse toward the victim.

6. Statements from the victim expressing fear of retaliation or further violence should the suspect be released.

(b) Officers shall not cite and release for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1)

2. Penal Code § 273.5

3. Penal Code § 273.6 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.

5. Other offenses specified in Penal Code § 1270.1, such as serious or violent felonies.

320.3.3 PROTECTIVE ORDER VIOLATIONS

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

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

These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together. The court orders under Penal Code § 13701(b) may be captioned as follows:

Domestic Violence Protective Order

Criminal Court Protective Order

Emergency Protective Order (EPO)

Order to Show Cause and Temporary Restraining Order (TRO)

Order After Hearing

Restraining Order - Juvenile

Judgment of Dissolution and Order

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

320.3.4 TENANCY ISSUES

(a) Officers may request a person who is not in lawful possession of the premises to leave when:

1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.).
2. The complainant has requested that the person leave the premises.

(b) The officer will stand by until the suspect removes essential belongings.

(c) If the suspect does not leave upon request, an arrest should be made under Penal Code § 602.5.

(d) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy.

(e) If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order.

320.4 INVESTIGATIONS

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

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- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (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 Investigations and Intelligence Section in the event that the injuries later become visible.
- (f) Investigate to determine if the incident involved an attempted strangulation of the victim. The victim should be asked if anything was placed around their neck. Any object used by the suspect in this regard should be impounded as evidence. (If attempted strangulation was a factor, the strangulation supplemental form will be completed).
- (g) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (h) 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.
- (i) 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).
- (j) 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.
- (k) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.

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3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 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.

320.5 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.

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- (d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

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

320.5.1 DOMESTIC VIOLENCE SUPPORT

Victims of domestic violence or abuse have the right to have a domestic violence counselor (as defined in Evidence Code § 1037.1) and a support person of the victim's choosing present at any interview by law enforcement authorities (Penal Code § 679.05).

The investigating officer must advise the victim of his/her right to have an advocate and support person present at any subsequent interview(s), including additional interviews by the reporting officer and/or detectives handling the case. The victim should be advised that any advocate working for the agencies listed on the Domestic Violence resource card would qualify.

- (a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.
- (b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.
- (c) The investigating officer should articulate in the report that the victim was advised of their right to a counselor and/or support person.

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

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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).
- (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.

320.8.1 PUBLIC ACCESS TO POLICY

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

320.8.2 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

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provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 33800).

320.8.3 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident (Penal Code § 13730). This information is to be reported to the Attorney General monthly (Penal Code § 320.9.5). It shall be the responsibility of the Records Supervisor to maintain and report this information as required

320.8.4 DECLARATION IN SUPPORT OF BAIL INCREASE

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

320.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

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- (c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 - 4. Penal Code § 646.9 (stalking)
 - 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
 - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
 - 2. The threats creating fear of physical injury.
 - 3. The history of domestic violence between the persons involved.
 - 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

320.9.2 COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

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- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

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 Port of San Diego Harbor Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Port of San Diego Harbor 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) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 - 1. Another officer or a supervisor should witness the search.
 - 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

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 Port of San Diego Harbor 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 the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

324.2 POLICY

The Port of San Diego Harbor 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 Port of San Diego Harbor 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 Port of San Diego Harbor Police Department:

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

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

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These juveniles should not be held at the Port of San Diego Harbor 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 themselves, or any unusual behavior which may indicate the juvenile may harm themselves 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 Port of San Diego Harbor 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 Port of San Diego Harbor 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 Port of San Diego Harbor 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 Port of San Diego Harbor Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

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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 Port of San Diego Harbor Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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

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

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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 Port of San Diego Harbor 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 Port of San Diego Harbor 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 Port of San Diego Harbor Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Port of San Diego Harbor Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

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- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

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 Port of San Diego Harbor 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 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Port of San Diego Harbor 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 Port of San Diego Harbor Police Department.

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324.11 SECURE CUSTODY

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

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

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

324.11.1 LOCKED ENCLOSURES

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

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

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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 Port of San Diego Harbor Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Harbor Police, and Intelligence and Investigations Section 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.
- (i) Evidence preservation.

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):

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- (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 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

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.

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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 Investigations and Intelligence Section 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

324.15 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 Port of San Diego Harbor 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 Investigations and Intelligence Section supervisors to ensure that personnel of those bureaus act within legal guidelines.

324.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Patrol Captain shall coordinate the procedures related to the custody of juveniles held at the Port of San Diego Harbor Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

324.17 RELIGIOUS ACCOMMODATION

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

324.18 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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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 Port of San Diego Harbor Police Department members as required by law (Penal Code § 368.6).

The Port of San Diego Harbor 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 INVESTIGATIONS AND REPORTING

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

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

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

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- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

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

326.2.1 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)).

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- (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)).

326.3 QUALIFIED INVESTIGATORS

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

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

326.4 MANDATORY NOTIFICATION

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

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

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

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

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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 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

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agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigations and Intelligence Section 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)).

326.4.1 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.

326.5 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.

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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.

326.5.1 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)).

326.5.2 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.

326.6 INTERVIEWS

326.6.1 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.

326.6.2 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:

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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.

326.6.3 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).

326.7 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.

326.8 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.

326.8.1 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 Investigations and Intelligence Section supervisor so an interagency response can begin.

326.8.2 SUPERVISOR RESPONSIBILITIES

The Investigations and Intelligence Section supervisor should:

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- (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 Investigations and Intelligence Section supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

326.9 POLICY

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

326.9.1 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).

326.9.2 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 Harbor 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 Harbor 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)).

326.10 TRAINING

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

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

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

326.10.1 MANDATORY TRAINING

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

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

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

326.11 JURISDICTION

The Port of San Diego Harbor 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.

326.12 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

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and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
 - 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.

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2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 3. False imprisonment, as defined in Section 236 of the Penal Code.
 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a 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.

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- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:
 - 1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 - 2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
 - 1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 - 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 - 3. Failure to protect from health and safety hazards.
 - 4. Failure to prevent malnutrition or dehydration.
 - 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 - 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 - 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.

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3. Rape in concert, as described in Section 264.1 of the Penal Code.
 4. Incest, as defined in Section 285 of the Penal Code.
 5. Sodomy, as defined in Section 286 of the Penal Code.
 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
1. For punishment.
 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 3. For any purpose not authorized by the physician and surgeon.

326.13 CHIEF OF HARBOR POLICE RESPONSIBILITIES

The Chief of Harbor Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:
 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

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- (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
- 3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
- (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
- (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
- (f) Ensuring that all members carry out their responsibilities under this policy.
- (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
- (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

326.14 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Harbor 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.

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 Port of San Diego Harbor 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 WORKING CONDITIONS

The Administration Captain 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).

328.4 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).

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 Port of San Diego Harbor 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 Port of San Diego Harbor 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 Investigations and Intelligence Section 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 Investigations and Intelligence Section 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 Investigations and Intelligence Section 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).

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330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

330.10.3 CACI HEARING OFFICER

The Investigations and Intelligence Section 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.

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330.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

330.11 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

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 Port of San Diego Harbor 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 Port of San Diego Harbor 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 Intelligence and Investigations Section 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 sworn 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. Officers who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an officer 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 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

Officers 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 Section.
- (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 SECTION RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

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- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigations and Intelligence Section.
- (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 INVESTIGATIONS AND INTELLIGENCE SECTION 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 Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

332.8 WHEN A MISSING PERSON IS FOUND

An officer who locates a reported Missing Person, or contacts someone who is listed as a Missing Person in NCIC shall investigate the subject's condition. When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

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 Investigations and Intelligence Section 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 Unified Port of San Diego or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

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- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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.

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 Port of San Diego Harbor Police Department should notify their supervisor, Watch Commander, or Investigations and Intelligence Section 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 Harbor Police, the appropriate Captain and the Watch Commander 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 Captain

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 Watch Commander 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 Watch Commander or other authorized individual to handle media liaison
 - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

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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).

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 Investigations and Intelligence Section Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The Watch Commander will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

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The Port of San Diego Harbor 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.

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.

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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.

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).

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 Port of San Diego Harbor Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Port of San Diego Harbor 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 Harbor Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). Members of the Department's Peer Support Team may serve as a crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Port of San Diego Harbor 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 Port of San Diego Harbor 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.

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.4.1 VICTIMS OF HUMAN TRAFFICKING

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

336.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check

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on an offender's custody status and to register for automatic notification when a person is released from jail.

- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

338.1 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b)).
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., possible Emergency Protective Order or Temporary Restraining Order).

338.1.1 INVESTIGATIONS UNIT RESPONSIBILITY

If a case is assigned to the Intelligence and Investigations Sections Unit, the assigned investigator will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate
- (b) Maintain contact with the victim(s) and other involved individuals as needed

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(c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023

338.2 TRAINING

All members of this department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.

338.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

338.4 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 Port of San Diego Harbor 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).

338.4.1 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,

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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 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

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- (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
- 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.

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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
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

338.5 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 Harbor Police or other command-level officer to whom the Chief of Harbor Police formally delegates this responsibility.

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338.6 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.

338.6.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Harbor Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (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.

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- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Section 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 Section 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.

338.6.2 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.

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- 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.

338.7 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

338.7.1 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.
 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.

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- (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).
- (n) Document any suspected multi-mission extremist crimes.

338.7.2 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.

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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.
- (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.

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338.7.3 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).
- (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 Harbor Police for approval.

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338.8 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.

338.9 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Port of San Diego Harbor 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 Port of San Diego Harbor 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.

340.4.1 WRITTEN REPRIMANDS

(a) An employee receiving a Letter of Reprimand may request within ten (10) calendar days of the date of receipt of the Letter of Reprimand an appeal to the Chief of Harbor Police. The hearing will be scheduled no later than fourteen (14) calendar days after the request for appeal, unless both sides agree to an extension. Upon request, the employee may have representation at the appeal hearing. The employee's representative may be any person of his or her choosing as long as the person was not involved in the underlying events. It is the responsibility of the employee to ensure the representative is able, in a timely manner, to attend the hearing. The employee shall submit the written request for an appeal hearing to the Office of the Chief of Harbor Police. The following procedure clarifies the roles and the protocol for the Written Reprimand Administrative Appeal Process Hearing.

1. The Hearing Officer for the Written Reprimand Appeal is responsible for conducting the hearing pursuant to the following guidelines:

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(a) Time Limit:

1. It is necessary to stay within the four (4) hour time frame allotted for the appeal.

(b) Recording of Proceeding:

1. It is essential that the Hearing Officer record the hearing. The Hearing Officer must provide a copy of the tape and/or transcripts to the appealing party, if requested.

(c) Conduct of Hearing:

1. The Hearing Officer needs to recognize that he/she is in charge of the hearing.

d) Order:

1. The Hearing Officer should remember that he/she is the ranking officer and it is his/her responsibility to maintain order and to keep the atmosphere relaxed and non-adversarial. If necessary, the Hearing Officer can call for breaks during moments of tension.

(e) Impartiality/Fairness:

1. The Hearing Officer shall be a neutral party considering testimony and evidence from both parties.

(f) Burden of Proof:

1. The Department bears the burden of proof in sustaining the reprimand.
2. The Hearing Officer should begin the session with an introductory statement which includes:

(a) Purpose of the hearing with date and time

(b) Who is present and his/her title and/or role

(c) Location of hearing

(d) Statement that the proceedings are being tape recorded

The Hearing Officer shall request whether parties have entered any stipulations as to the issues to be resolved by the hearing.

3. The appealing officer shall be afforded the opportunity to be represented by a trained representative or an attorney at their own cost. The representative or attorney shall:

(a) Only provide argument, but not testimony

(b) Meet with the PSU Lieutenant, Sergeant, or proposing officer prior to submission of a witness list to identify any witnesses, stipulations, or issues to be considered at the hearing. This information may also be exchanged in writing.

The Harbor Police Department is not responsible to make available to appealing party any witnesses without five (5) business days advance notice. Unavailability of departmental witnesses shall constitute good cause for a continuance.

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An attorney present for the Port District will generally be in attendance to ensure due process at the hearing and to assist the Hearing Officer as to the conduct of the hearing.

4. The purpose of the hearing is to allow the appealing party to explain why he/she does not think the written reprimand is the appropriate level of discipline under the circumstances.

5. The Hearing Officer may examine the appealing party's personnel file to review additional information, regardless of whether the appealing party consents. However, if the personnel file is examined, the Hearing Officer must make the appealing party aware of the intent to examine the file and note any objections.

6. The Hearing Officer shall be afforded full access to internal investigation files bearing on the reprimand at the hearing for purposes of rendering a final decision. The appealing party may also submit written materials for consideration by the Hearing Officer, if desired.

7. At the hearing, each party may examine witnesses as necessary.

8. Prior to rendering a decision, the Hearing Officer may consult with the Port District's attorney.

9. The Hearing Officer may take the matter under submission prior to rendering a decision. A decision in the matter must be rendered within ten (10) calendar days following the hearing. The Hearing Officer may make a finding on either the factual basis of the case or the level of discipline associated with the case. The Hearing Officer has the discretion to modify or reduce the level of reprimand. The Hearing Officer may only uphold or reduce the level of reprimand. The Hearing Officer may not increase the level of discipline. A reprimand may be reduced to:

- (a) A Counseling Notice;
- (b) A Station File entry;
- (c) A statement of disagreement with sustained argument

The Hearing Officer will codify the decision in writing and give a copy of the decision to the employee, the Chief of Harbor Police, and the Human Resources Department.

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 Port of San Diego Harbor Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

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 Harbor Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

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 workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by District policy, the memorandum of understanding, or the Chief of Harbor 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 Harbor 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 Harbor 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.

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 Port of San Diego Harbor 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 Port of San Diego Harbor 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 Harbor 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.

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy

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3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

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 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.

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- (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 Section 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.

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.

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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 Section 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 Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

344.6 ELECTRONIC SIGNATURES

Those authorized by the District to utilize an electronic signature must ensure that the confidential password for his/her electronic signature is unique and shall:

Only use the electronic signature for official reports or other official communications.

Be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Harbor Police. In situations not warranting immediate notice to the Chief of Harbor Police and in situations where the Chief of Harbor Police has given prior approval, Captains, Watch Commanders, and designated Watch Commanders (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Harbor Police.

346.3 ACCESS

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

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

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (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.

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- (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 Harbor Police and the express consent of the person in custody.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Harbor 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 Harbor Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.3.2 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.

346.3.3 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).

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

Information regarding significant law enforcement activities shall be made available, upon request, to media representatives through the Watch Commander. This information will generally include the following:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

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(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

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

Any requests for copies of related reports or additional information shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

346.5 POLICY

It is the policy of the Port of San Diego Harbor 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.

346.6 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 Harbor 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 Harbor 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 Harbor Police. Under these circumstances the member should direct the media to the agency handling the incident.

346.8 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.

346.8.1 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.

346.9 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.

346.9.1 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

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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 Medical Examiner.

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).

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 Port of San Diego Harbor Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

348.1.1 DEFINITIONS

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

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

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

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to appear in the specified court at the specified time, either intentionally or by negligence, may result in disciplinary action.

348.2 POLICY

Port of San Diego Harbor 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 Records Section member 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.

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If, after initially accepting service of a criminal subpoena, a supervisor or other Records Supervisor 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 Officer of the General Counsel or the prosecuting agency 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.
- (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 Port of San Diego Harbor Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Port of San Diego Harbor Police Department.

The supervisor will then notify the Chief of Harbor Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Harbor 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.

To the extent permitted by law, the Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member. This shall be done with the assistance of the Office of the General Counsel and/or the Port's Finance Department as necessary.

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.

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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 up to and including termination. This includes properly served orders to appear that were issued by a state administrative agency.

348.5 STANDBY

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

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

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 or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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.

Maritime Tactical Team (MARTAC) / Special Weapons and Tactics (SWAT)

350.1 PURPOSE AND SCOPE

The Maritime Tactical Team (MARTAC) was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics. This includes 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 primary purpose of the Maritime Tactical Team (MARTAC) is to provide a systematic approach to saving lives in concert with the totality of circumstances presented.

While preserving human life is a priority of MARTAC, the specific circumstances will dictate the level of force that is reasonable, under the circumstances, to adequately protect the public and the officers involved.

350.2 OPERATIONAL 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 merely as a guideline to department personnel allowing for appropriate on scene decision making as required.

All department policies are to be followed by the MARTAC Team, including the department's Use of Force Policy.

350.3 MARTAC DEFINED

The Maritime Tactical Team (MARTAC) is a designated law enforcement team, whose members are recruited, selected, trained, equipped, and assigned to resolve critical incidents on land and in a maritime environment involving a threat to public safety which might otherwise exceed the capabilities of traditional law enforcement first responders and/or investigative units.

350.4 POLICY

It shall be the policy of this department to maintain a Maritime Tactical Team and to provide the equipment, manpower, and training reasonably necessary to maintain a Maritime Tactical Team. MARTAC should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry, Vessel Boarding, Apprehension, and Rescue

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Maritime Tactical Team (MARTAC) / Special Weapons and Tactics (SWAT)

350.5 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures (MARTAC Operation Procedure Manual and Guidelines) in accordance with the determination of level of capability using sound risk reduction practices.

350.6 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a Memorandum of Interest and a resume along with a supervisor's recommendation. Applicants must have successfully completed the course(s) of fire during the last two department range qualifications without any remedial training.

- (a) Supervisor's recommendation: The applicant's current or previous supervisor should make a recommendation for 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. Those qualifying applicants will be invited to participate in the testing process. The order of the tests will be given at the discretion of the MARTAC/SWAT Commander. The testing process will consist of: physical fitness and skills testing, and an oral board interview. The oral board should consist of personnel selected by the MARTAC/SWAT Commander.
- (b) A list of successful applicants shall be submitted to the Chief of Harbor Police by the MARTAC/SWAT Commander for final selection.

350.7 TRAINING

350.7.1 INITIAL TRAINING

MARTAC operators and supervisors/team leaders should not be deployed until successful completion of a Basic SWAT Academy course or its equivalent.

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.

350.7.2 UPDATED TRAINING

Appropriate team training for the specialized MARTAC functions and other supporting resources should be completed. MARTAC operators and supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

MARTAC training should be conducted in accordance with California Penal Code Section 13514.1.

350.7.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the MARTAC Team function at the organizational level to ensure personnel who provide active oversight at the scene of MARTAC operations understand the purpose and capabilities of the team. Command personnel who may assume incident command responsibilities should attend POST-Certified SWAT, and/or Critical Incident, Commander Course or its equivalent. MARTAC Team command

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personnel must attend a POST-Certified SWAT Commander or a Tactical Commander course, or its equivalent.

350.7.4 TRAINING SAFETY

Use of a designated safety officer must occur at all tactical training.

350.7.5 TRAINING DOCUMENTATION

Individual and team training should be documented and records maintained by the San Diego Harbor Police Training Unit. Such documentation should be maintained in each member's individual training file. A separate agency MARTAC Team training file should be maintained with documentation and records of all team training.

350.8 MARTAC RESPONSE

On-duty MARTAC member(s) will be immediately dispatched to emergency situations with the approval of the Watch Commander, a Lieutenant, or a Sergeant. Emergency situations include but are not limited to: Officer involved shooting, emergency cover calls, barricaded suspects, hostage rescues, active shooters, Officer down, containment of a suspect, and any other incident where special tactical deployment methods beyond the capacity of traditional law enforcement first responders and/or investigative units are needed.

Off-duty MARTAC members may be called in to respond to an incident when deemed necessary and approved by the MARTAC Lieutenant / SWAT Commander.

- A) Code-11: An incident requiring the response of MARTAC members that is not time sensitive.
- B) Code-12: An incident requiring the response of MARTAC members that is time sensitive and requires a code-3 response.
- C) MARTAC assist: An incident being handled by patrol personnel who require assistance from MARTAC members. This will be an incident that does not meet the criteria of a Code-11 or a Code-12. MARTAC members that are currently working can respond to a MARTAC assist.

350.8.1 OUTSIDE AGENCY REQUESTS

Deployment of the San Diego Harbor Police Maritime Tactical Team in response to requests by other agencies must be authorized by the MARTAC / SWAT Commander or Chief of Harbor Police.

350.8.2 MULTI-JURISDICTIONAL SWAT OPERATIONS

MARTAC, including relevant specialized units and supporting resources, should develop protocols, agreements, MOUs, or working relationships to support multijurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional MARTAC/SWAT operations will regularly be conducted; multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the San Diego Harbor Police Department Maritime Tactical Team shall operate under the policies, procedures and command of the San Diego Harbor Police Department when working in a multi-agency situation.

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350.8.3 MOBILIZATION OF MARTAC

If not the Watch Commander, then the on-scene supervisor shall make a request to the Watch Commander for the Maritime Tactical Team. The Watch Commander shall then notify the MARTAC / SWAT Commander. If unavailable, a MARTAC team supervisor shall be notified. A current mobilization list shall be maintained in the Dispatch Center and Watch Commander's office by the MARTAC / SWAT Commander. The Watch Commander shall notify a Lieutenant as soon as practical. A command text notifying the command staff shall be sent as soon as practical.

The Watch Commander should provide the MARTAC / SWAT Commander with as much of the following information 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.
- (i) Whether the suspect has refused an order to surrender.
- (j) Search warrant status.
- (k) Suggested MARTAC / Tactical Command Post location.

The MARTAC / SWAT Commander or MARTAC supervisor / team leader shall ensure the necessary MARTAC personnel are notified to respond.

350.8.4 FIELD UNIT RESPONSIBILITIES

While waiting for the Maritime Tactical Team, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an emergency reaction 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.
 - 3. Evacuate any injured persons or citizens in the danger zone.
- (e) Attempt to establish preliminary communication with the suspect.
- (f) Be prepared to brief the MARTAC Commander on the situation.

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- (g) Plan for, and stage, anticipated resources.
- (h) Implement the Incident Command System.
- (i) Obtain a search and/or arrest warrant.
- (j) Attempt to obtain suspect/victim information including photograph(s).
- (k) Activate the On-Call detective to support the intelligence and investigative functions of the operation.

350.8.5 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Maritime Tactical Team at the scene, the Incident Commander shall brief the MARTAC / SWAT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the MARTAC / SWAT Commander, whether to deploy MARTAC. Once the Incident Commander authorizes deployment, the MARTAC / SWAT Commander shall be responsible for the tactical portion of the operation.

The Incident Commander shall maintain overall responsibility for the incident including continued supervision of the Command Post operation, outer perimeter security, and support for MARTAC.

The Incident Commander and the MARTAC / SWAT Commander (or designee) shall maintain communications at all times.

350.9 MARTAC MEMBERS' RESPONSIBILITY

(a) All personnel assigned to MARTAC shall have current contact information made available to the Watch Commander and dispatch for recall.

(b) MARTAC members are expected to return all calls from the dispatcher and/or Watch Commander's office, unless on authorized leave. Failure to do so may result in probationary status or removal from the MARTAC team. Members on probationary status may not be called for callouts.

(c) Any member reporting for duty for vehicle patrol, vessel patrol, or airport patrol shall be available to respond to a MARTAC assist, a code-11, or a code-12. MARTAC members not available to respond to MARTAC related calls during their regularly scheduled shift for any reason shall notify the Watch Commander at the start of every shift.

(d) Team members who have received notice at least one week in advance of scheduled training or a scheduled MARTAC mission shall attend the training or mission unless he/she has received prior authorization from the MARTAC / SWAT Commander or Supervisor / Team Leader to be absent.

(e) All MARTAC members shall maintain physical fitness levels necessary to fulfill the mission of the San Diego Harbor Police Maritime Tactical Team.

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(g) If a MARTAC Team member cannot pass the annual physical qualification test, he/she will have thirty (30) days for remediation. During this thirty-day period, the MARTAC Team member will be placed on suspension. During suspension, MARTAC Team members may not participate in any MARTAC exercises, including training and/or call outs. If a MARTAC Team member is unable to pass the physical fitness test within the thirty-day suspension, he/she will be removed from the MARTAC Team at the discretion of the Chief of Harbor Police or his/her designee, without further cause or appeal. The MARTAC / SWAT Commander may, at his discretion, extend the suspension of a team member because of extenuating circumstances such as significant injury or illness.

(h) Necessarily, higher-than-competent performance is requisite to being a MARTAC Team member. All MARTAC personnel are expected to maintain a competent rating or higher. Any MARTAC Team member who fails to achieve an overall competent rating on his or her MARTAC Evaluation will be re-evaluated thereafter, in 90 days. If that person again fails to achieve an overall competent rating, he or she will be removed from the Team. Likewise, if a MARTAC Team member fails to receive an overall meets standards rating on his or her Annual Departmental Performance Review that Team member may be subject to dismissal from the Team.

390.10 Review of Manual

As with all policies and procedures, this manual should be reviewed periodically. Because laws and other policies change with time, a written standard detailing the time line and condition for periodic review is established.

This MARTAC Manual will be reviewed by the MARTAC / SWAT Commander or his designee annually and updated as needed.

350.10 MARTAC SPECIAL MUNITIONS AND EQUIPMENT

The use of special munitions and equipment described in this policy is in accordance with Government code 7070 and HPD policy 712, which regulate the use of military equipment. Additionally, the use of special munitions and equipment is intended to assist personnel in safely resolving crisis situations. These include but are not limited to barricaded suspects and incidents of civil disobedience. These munitions and other types of equipment may also be used for training purposes and shall be used in accordance with the manufacture's recommendations for testing, use, and application.

Every tactical situation is unique and may require the use of several specialty munitions. The decision to use specialty munitions and the manner in which to use them will vary with each situation.

Only MARTAC/SWAT personnel who are currently on the MARTAC team, or other authorized HPD personnel who have completed approved training courses are authorized in the use of special munitions and are authorized to deploy these devices during training and operations.

Special Munitions and Equipment shall include the following:

- Chemical Agents

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- Less Lethal Munition
 - Impact Munitions i.e. 40mm impact munitions
 - Impact / Chemical Munition
 - Sting Balls
- Light / Sound diversionary devices
- Frangible Rounds
- Unmanned, remotely piloted, powered aerial and ground vehicles

350.10.1 USE OF SPECIAL MUNITIONS

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Specialty Munitions may be used in situations that include but are not limited to:

- (a) Violent subject(s) who are armed with a non-traditional weapon, such as a baseball bat, crowbar, shovel or any other object capable of inflicting injury.
- (b) Civil Disturbance (to include Mobile Field Force (MFF) munitions team deployments)
- (c) A subject who is armed with an edged weapon
- (d) A suicidal person armed with a dangerous weapon or who is attempting to force officers into shooting him or her; and,
- (e) An active or passive resistive subject reasonably believed to possess or have immediate access to a deadly weapon

Patrol supervisors may request the use of patrol specialty munitions and authorize the use of extended range impact weapons such as 40mm impact munitions, M12-gauge bean bag rounds, and pepper balls.

The final decision for the deployment of MARTAC special munitions rests with a supervisor. If the deployment occurs during a MARTAC operation, a MARTAC team supervisor should be consulted.

(a). Chemical Agents:

These compounds, devices, and delivery systems used by MARTAC Officers are in addition to other agents used by officers and are covered by Department Policy 308. The compounds can include irritants such as CS or an inflammatory agent such as Oleoresin Capsicum (OC). Chemical agents can be liquid, powder, or gaseous. Delivery systems can be pyrotechnic, blast dispersion, OC Fogger, or aerosol.

After chemical agents have been deployed on a structure, the incident commander and or case agent shall be advised by the MARTAC commander or designee. Whenever possible, a written notice shall be posted conspicuously on the structure advising which chemical agents were used and decontamination procedures.

Non-lethal Chemical Agents may be used to accomplish any of the following objectives:

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- Reduce violence, minimize property damage, and protect the public
- To disperse individuals during riots or incidents of civil disobedience
- To incapacitate a suspect who is endangering life or property
- To apprehend suspects who refuse to submit to arrest

Possession and utilization of any chemical agent by any member of this department will be in accordance with the procedures established in this policy and Lexipol Policy 308 – Control Devices and Techniques.

MARTAC personnel shall qualify annually on authorized special munitions as directed by the MARTAC Commander.

(b). Diversionary Devices:

Diversionary Devices are canisters that emit a loud noise and bright light. They are intended to temporarily distract, confuse, and disorient subjects. In the event that a subject is not responding to "call-outs" from law enforcement during a barricaded incident, and when safe to do so, diversionary devices can also be used as "attention getting" tools.

(c). Frangible Breaching Rounds:

Frangible breaching rounds are specialized shotgun breaching rounds typically used to breach doors/door hinges and/or other general locks during SWAT operations where speed is needed, and/or mechanical breaching tools are not feasible. Only MARTAC personnel who have received specialized training and are certified in the handling and use of frangible breaching rounds are authorized to use them.

Prior to deploying a frangible breaching round, if safe and practical should make an announcement advising occupants to stand clear from the door. This is intended to reduce the likelihood of injuries to individuals caused by fragmentation.

The point of aim should be directed at a location that will offer the least amount of fragmentation and other associated danger to anyone within the vicinity of the shooter.

(d). 40mm Less Lethal Munitions (Sponge Rounds)

Similar in operation to a 12-gauge bean bag round, but with a larger surface area at impact in comparison, 40mm sponge rounds are designed to be used when "hard impact" weapons such as a PR-24, 12-gauge bean bag, or OPN would be reasonable, but impractical and/or ineffective.

(e). 40mm Chemical Agent Ferret Round

40mm chemical agent ferret rounds are used to remotely deploy chemical agent from a distance via the 40mm launcher. This is commonly done during SWAT operations when there is a need to deploy emergency gas into a structure, vessel, or vehicle to quickly affect a person engaged in threatening actions toward law enforcement or other people. Ferret rounds commonly have a hardened top to penetrate objects, such as the outer wall of a structure, before discharging the chemical agent they carry. The point of aim/impact should be in a direction or area where people

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are not believed to be located (i.e. eaves/attic of a house). They are not intended to be directly fired at people unless lethal force is justified, and it is the only reasonable option to carry out that force based on the totality of the circumstances

(f). Unmanned, remotely piloted, powered aerial and ground vehicles

Vehicles falling under this section include tracked and/or wheeled robots designed to enhance the ability for HPD to remotely inspect dangerous situations from a distance. They may also include remotely piloted vehicles used for weapons training in a controlled range environment. The vehicles/robots are remotely piloted by a specially trained operator with the ability to maintain visual awareness of the robot via line of sight and/or a detached control module. The vehicles/robots are not intended to be used as weapons.

350.11 MEDICAL TREATMENT

Lethal Rounds (Frangible/40mm ferret chemical agent)

In the unlikely event of a person struck by a frangible round or a 40mm ferret round, medical protocols involving the treatment of gunshot wounds or lethal force injuries shall be followed. This is due to the high likelihood of great bodily injury when these rounds impact a person.

Less Lethal Rounds (Pepper Ball/40MM/12-gauge bean bag rounds)

An individual who has been struck by a less lethal specialty round shall be examined by paramedics. An exception would be pepper ball munitions, unless an unintended serious injury occurred.

During any incident that requires the use of chemical agents, which includes exposure to Pepper Ball rounds, treatment for exposure shall be followed as directed by policy 308.4.4

350.12 REPORTING PROCEDURES AND NOTIFICATIONS

Reporting Procedure:

In addition to immediately communicating the use of special munitions to the on-duty supervisor, the team leader or operator shall document the deployment of special munitions in an Incident Report.

Notification:

Whenever a person has been struck by specialty munitions, the officer who deployed the munitions shall notify an on-duty supervisor in a reasonable period of time. Once time permits, and if not already on scene and made aware, the MARTAC Commander or his/her designee shall also be notified.

The on-duty supervisor shall respond to the scene and evaluate the circumstances surrounding the incident in accordance with Department Use of Force Policy 300.

Review Process:

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The MARTAC Commander shall review the use of specialty munitions as soon as practical following each incident or operation. The review will determine if the munitions functioned properly and were used in accordance with department Policy and Procedures.

350.13 SECTION TITLE

350.14 SECTION TITLE

MARTAC / Special Weapons and Tactics (SWAT) – Long Rifle / Sniper Team

351.1 PURPOSE AND SCOPE

It is the mission of the Long Rifle / Sniper Team to assist in bringing about the safe and peaceful resolution of critical incidents through stealth, tactics and skills, by providing real-time information and protective over-watch for all on scene personnel, both law enforcement and civilian.

351.2 OPERATIONAL POLICY

As employed in the law enforcement tactical team applications, the role of the Sniper / Observer will be primarily three functions:

- (a) The Sniper / Observer will use his/her specialized training, positioning and sight enhancement equipment to observe and report real-time information to his/her teammates and on-scene command personnel.
- (b) The Sniper / Observer will provide protective over watch to his/her team, other law enforcement personnel, civilians and/or hostages by bringing precision fire against designated human targets, with the intent to immediately stop the dangerous actions of that designated target. In his/her actions, federal and state statutes relating to the use of deadly force by law enforcement officers, as well as any and all applicable departmental policies, will regulate the sniper's decision.
- (c) The role of the Sniper / Observer can be expanded beyond tactical team deployments. The skill sets can and should be utilized by other law enforcement personnel in need of covert surveillance, information gathering and long range lethal cover in the execution of any law enforcement actions.

351.3 LONG RIFLE / SNIPER USE OF FORCE

The sniper/ observer will be authorized to use deadly force against an individual in the following circumstances:

- (a) To defend themselves, another peace officer, hostage, or other civilian personnel from the imminent threat of death or great bodily harm.
- (b) As part of an organized assault by tactical team elements. In this event, the sniper / observer would use deadly force against designated targets or targets of opportunity as the situation of assault plan dictates. These targets would be prioritized and engaged based on the danger they pose to hostages, civilian personnel, or other team members.
- (c) A sniper's use of deadly force is subject to meeting the same standards as delineated by federal and state statutes, and department policy for use of deadly force.
- (d) If the incident commander, SWAT commander, tactical team leader, or other law enforcement personnel who are on scene or at the command post have developed probable cause for the use of deadly force from information not currently available to the sniper, the sniper may use deadly force at their direction based on their probable

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cause. This is based on good faith that the sniper, if given the same information, would have come to the same conclusion (Collective Knowledge Doctrine).

- (e) If practical, the sniper will be provided with the information to develop his/her own probable cause for deadly force, but in a rapidly evolving incident this may not be possible.
- (f) Nothing in this policy compels the sniper to use deadly force upon command.
- (g) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- (h) Snipers / Observers will not intentionally "shoot to wound."
- (i) Snipers / Observers will not intentionally shoot a weapon from a suspect's hand. Shooting a weapon can often cause it to discharge and/or fragment causing uncontrollable danger to the suspect and surrounding civilians and officers. Also, shooting at a small target from a quick moving hand is unrealistic. Additionally in hostage situations, if the Sniper misses shooting the weapon out of the suspect's hand, the suspect could immediately react and cause death or great bodily harm to the hostage or others nearby.

351.4 SNIPER TRAINING

Training will be performance-oriented and designed to facilitate mission accomplishments. It will be purposeful, measurable and open to honest criticism and evaluation. Training will be designed to improve both individual and team skills. Annual training goals will be set and accomplished. These goals will be aimed at maintaining and further developing individual perishable skills, and at advancing the team's ability to handle a variety of critical tasks. The training philosophy will be to minimize "down time" and to always master an exercise or task before moving onto another. Training will be realistic, and will be run in a manner that challenges the individual Sniper's abilities.

- (a) After selection to his/her position as Sniper / Observer, the candidate will attend and graduate from at least one formal law enforcement sniper school. (Preferably one California P.O.S.T. certified)
- (b) To meet the needs of his/her position, the Sniper / Observer must receive instruction and practice in the following skills and disciplines:
 - 1. Fieldcraft skills. This includes, but not limited to, stalking, movement, camouflage, range estimation, and hide selection, construction and management.
 - 2. Tactics. This includes, but not limited to, target selection, communications, site diagramming and operation planning.
 - 3. Marksmanship. Along with a regular, standardized qualification course, his/her will include practice in cold shot accuracy, multiple targets, moving targets,

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partially obscured targets, intermediate barriers, up and down hill shooting, various distances and shooting positions, low-light and no light shooting, and decision making.

4. Rapid Deployment. This includes deploying with the necessary gear to accomplish the mission in an expedient manner.
- (c) Training will be continued on a monthly basis.
- (d) Sniper / Observers should attend formal, outside sniper training to increase skill and diversify knowledge.
- (e) The Sniper / Observer will maintain individual shooting records, in the form of shooting data books.

351.5 SNIPER SELECTION

- (a) Sniper / Observer candidates will be selected from the roster of SWAT team members, based on the listed criteria:
 1. Current team member in good standing
 2. Experience/time on
 3. Volunteer for position
 4. Good physical condition
 5. Emotionally mature and mentally stable
 6. Dedicated
 7. Articulate
 8. Patient
 9. Concurrence from SWAT team leaders
- (b) The candidate will undergo an oral interview from the Sniper Team Leader, SWAT Sergeant and SWAT Commander, or the SWAT Commander's designee.
- (c) Sniper Candidates must have passed the MARTAC Functional Fitness Test and may not have any areas of failure.
- (d) Selected candidate(s) will join the sniper team on a probationary status. Regular status will be achieved after the candidate has graduated from a formal police sniper school, has passed the department sniper qualification course, and receives approval from the SWAT Commander.
- (e) During probationary status, the sniper candidate may be deployed with the following limitations:
 1. He/she will only be deployed with an active qualified sniper.
 2. He/she will not deploy with any equipment he/she has not displayed proficiency with.

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351.6 SNIPER STANDARDS AND RESPONSIBILITIES

To achieve and maintain operational status as a Sniper / Observer, each sniper team member will be required to meet the following standards:

- (a) Each Sniper / Observer will attend and graduate a formal police sniper school.
- (b) Each Sniper / Observer will pass the team qualification course with primary sniper rifle(s). The course will be designed to test the Sniper / Observer's skills as they apply to realistic, job-related applications. This course will be administered in accordance with SOP.
 - 1. Failure to pass two consecutive qualification courses will result in removal of the Sniper / Observer from operational status until he/she is able to demonstrate proficiency with a passing score. A team leader will be present during the remedial process.
 - 2. Qualification targets shall be labeled, scored, and digitally photographed. These digital copies will be kept by the individual sniper and on a Harbor Police designated network or file system.
- (c) Each Sniper / Observer will shoot his/her rifle on a monthly basis and document the cold bore in his/her data book. If a sniper goes a month without a documented shot, he or she will not deploy during an operation until he/she completes a cold bore and confirms zero.
 - 1. The data book must be kept up to date and made available for viewing by the sniper team leader, supervisor or SWAT Commander.
- (d) Each Sniper will successfully pass the MARTAC Functional Fitness Test annually.

351.7 SNIPER WEAPONS, AMMUNITION AND EQUIPMENT

The use of special weapons, ammunition and equipment in this policy is in accordance with Government code 7070 and HPD policy 712, which regulate the use of military equipment. A sniper's training and access to specialty weapons and specialty ammunition exceeds that of other law enforcement and even other members of the tactical team. For these reasons, snipers will have additional standards.

- (a) Snipers / Observers will be issued a reliable precision rifle capable of firing acceptable sniper ammunition with (1) MOA (Minute of Angle) or better
- (b) Snipers / Observers may use special weapons and ammunition varying in caliber and purpose depending on the mission. His/her ammunition may change based on current technology, but it must be approved by the sniper team leader and SWAT Commander.
- (c) Snipers / Observers often need to blend in to their environment to avoid detection from the suspect and/or other onlookers. Therefore, snipers are authorized to wear clothing conducive to that specific mission. His/her clothing includes but is not limited to: green callout (standard MARTAC/SWAT) uniforms, Multi-cam or other camouflage uniforms as well as plain civilian attire.
- (d) San Diego Harbor Police Policy 300.5 states shooting at or from a moving vehicle is rarely effective, however MARTAC/SWAT Snipers have specialty equipment and

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train to shoot at or from multiple types of moving vehicles during high risk incidents. During these incidents, it may be safer or necessary for the Sniper to fire from a moving vehicle (such as a "Bearcat" armored vehicle), making this a viable option and should be considered on a case by case basis.

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.

352.2 POLICY

It is the policy of the Port of San Diego Harbor 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 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

352.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Port of San Diego Harbor Police Department shall notify his/her supervisor or the Watch Commander and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

352.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

352.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

352.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Captain 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 Dispatch 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.

Handcuff Policy

353.1 PURPOSE AND SCOPE

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flexcuffs, which will be considered synonymous with handcuffs for purposes of this policy.

353.2 HANDCUFFING POLICY

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the Department. When deciding whether to handcuff an arrestee, officers should carefully balance officer safety concerns with factors including, but not limited to the following:

The circumstances leading to the arrest.

The attitude and behavior of the arrested person.

The age, sex and health of the person.

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.

It is not the intent of the Department to dissuade officers from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, an officer should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as the arrested person is safely confined within the jail.

353.2.1 IMPROPER USE OF HANDCUFFS

Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety. When practical, handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists.

353.2.2 JUVENILES

Juveniles 14years of age or older may be handcuffed when the act committed is of a felonious nature or when their acts have amounted to crimes where the officer has a reasonable suspicion the suspect may have a desire to escape, injure themselves, injure the officer, or destroy property.

Juveniles under 14years of age generally will not be handcuffed unless their acts have amounted to a dangerous felony or when they are of a state of mind which suggests a reasonable probability of their desire to escape, injure themselves, the officer, or to destroy property.

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353.2.3 HANDCUFFING OF DETAINEES

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Unless arrested, the use of handcuffs on detainees should continue for only as long as is reasonably necessary to assure the safety of officers and others. Officers should continuously weigh the safety interests at hand against the intrusion upon the detainee when deciding to remove handcuffs from a detainee.

When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for use of handcuffs.

353.2.4 HANDCUFFING OF PREGNANT ARRESTEES

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others (Penal Code § 6030).

Megan's Law

356.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders under California's Megan's Law. (Penal Code §§ 290 and 290.4). It is the policy of this department to facilitate public access to information allowed by legislation on registered sex offender.

356.2 POLICY

Whenever this department determines that it is necessary to provide information to the public regarding a person required to register as a sex offender pursuant to Penal Code § 290 in order to ensure the public safety, such information may only be released by means determined by the Chief of Harbor Police to be appropriate (Penal Code § 290.45(a)(1)).

Officers shall obtain approval from a supervisor prior to the public release of any information regarding a registered sex offender. Under exigent circumstances, an officer may release the information without prior supervisory approval, however, a supervisor shall be notified of the information release as soon thereafter as is practical.

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders (Penal Code § 290.45(a)(2)).

It is the policy of the Port of San Diego Harbor 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

Information about a specific offender may be publicly disclosed by way of the department Internet web site only when the Department determines that such disclosure is necessary to ensure the public safety (Penal Code § 290.46(g)).

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

As a general rule information may not be given over the telephone. Members of the public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan's Law Web site maintained by the Department of Justice (www.meganslaw.ca.gov). They may also submit a list of at least six persons directly to the Department of Justice on a designated form to inquire whether any of those persons are required to register as a sex offender

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and are subject to public notification (Department of Justice fees may apply) (Penal Code § 290.4(a)).

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 Harbor Police if warranted. A determination will be made by the Chief of Harbor 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 Port of San Diego Harbor Police Department's website. Information on sex registrants placed on the Port of San Diego Harbor 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).

356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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 Port of San Diego Harbor Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed..

358.3 NOTIFICATION PROTOCOL

The domination of the Internet and social media makes situational awareness for San Diego Unified Port District staff and the command staff of the Harbor Police Department critically important. The speed of information across the media and informal social networks often is faster than our systems, but it is also often fragmented and inaccurate. In order to better serve the Port, we must consistently convey information in a clear, accurate, and timely manner in order to reduce confusion; better leverage available resources; prevent or minimize potential destructive activity from natural or manmade causes ; and mitigate risk. Therefore, a notification matrix has been developed, which better defines under what circumstances notifications should be made.

358.4 WATCH COMMANDER RESPONSIBILITY

The on-duty Watch Commander is responsible for making the appropriate notifications. In the event a Watch Commander is unavailable, the next highest ranking supervisor is responsible for making all appropriate notification. Watch Commanders and supervisors are ultimately responsible to ensure immediate appropriate notifications are made to the HPD Chief of Police, Assistant Chief of Police, and Captain. Notifications shall consist of positive contact (message on voicemail will not suffice) utilizing any and all available methods (office landline during business hours, cellular telephones, or residential landline).

358.4.1 DETECTIVE NOTIFICATION

Certain incidents require the call-out of a detective or investigative team. For incidents requiring the assistance of members of the Harbor Police Intelligence and Investigations Sections Unit, the Watch Commander shall notify the Sergeant of that unit, brief him or her on the circumstances and make the request for assistance.

For cases requiring the call-out of detectives from a member city agency, the request shall be made through that department's Watch Commander.

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 shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

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360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Sergeant 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)).

Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence

(b) When the person arrested has committed a felony, although not in his or her presence

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

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 the Private Person's Arrest information on either the back of the arrest report face sheet or on the reverse side of the top copy of a notice to appear.

In addition, officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Port of San Diego Harbor Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Port of San Diego Harbor 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 LEP COORDINATOR

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of

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services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about departmental LEP policies and procedures, including how to access department-authorized, telephonic and in-person interpreters and other available resources. LEP training will be provided for new employees and refresher training will be provided at least once every two years thereafter.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently

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communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other District departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.8.1 LEP COORDINATOR

The Chief of Harbor Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Port of San Diego Harbor Police Department LEP services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Port of San Diego Harbor Police Department to assess whether they should be considered vital documents and be translated.

368.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

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368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other 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 who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

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368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Port of San Diego Harbor 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.

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably

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possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

368.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

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Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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 Port of San Diego Harbor 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.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Harbor Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Captain or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the District ADA coordinator regarding the Port of San Diego Harbor Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

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 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.

370.4.1 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement

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duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

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 Port of San Diego Harbor 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.

370.6 TYPES OF ASSISTANCE AVAILABLE

Port of San Diego Harbor 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.

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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 but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

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.

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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, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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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.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

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 referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

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 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Harbor Police or his/her designee is required to report the arrest as follows.

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Harbor 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).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Harbor 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).

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Harbor Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

372.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health

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and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Harbor 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).

372.3 POLICY

The Port of San Diego Harbor Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

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).

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 Port of San Diego Harbor 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. Force will not be used in the collection of samples except as authorized by court order and only

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with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

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
- (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)).

Chaplains

376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Port of San Diego Harbor 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 Port of San Diego Harbor 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) Experience in crisis intervention services and crisis intervention stress management applications.
- (b) Knowledge and experience dealing with Post Traumatic Stress Disorder.
- (c) Having a good reputation in the community.
- (d) A minimum of three years of successful counseling experience.
- (e) Completion of a Basic Crisis Intervention course and Chaplain Training course.
- (f) Certification by a recognized chaplaincy authorizing institution.
- (g) Possession of a valid driver license.

The Chief of Harbor Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

376.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Port of San Diego Harbor 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.

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 and background forms.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Harbor Police and the chaplain liaison..
- (d) Successfully complete an appropriate-level background investigation.

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- (e) Complete an appropriate probationary period as designated by the Chief of Harbor Police.

Chaplains are volunteers and serve at the discretion of the Chief of Harbor 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 Harbor 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 and not reflect any religious affiliation.

Chaplains will be issued Port of San Diego Harbor Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Port of San Diego Harbor 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 DUTIES AND RESPONSIBILITIES

The Chaplain Program provides critical incident stress management support and assistance to SDHPD personnel, their families, and the public.

Examples of incidents that may warrant chaplaincy assistance:

- (a) Line-of-duty death or serious injury of a SDHPD employee
- (b) Suicide of a SDHPD employee
- (c) A multi-casualty incident or disaster
- (d) A significant traumatic event involving children
- (e) A traumatic event where the public requests a chaplain
- (f) Any call where a chaplain may be able to provide on-scene assistance in mitigating significant stress reactions from SDHPD employees or the community.

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.

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376.7 GENERAL GUIDELINES FOR CHAPLAINCY

(a) 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.

(b) Any SDHPD officer or member who is made aware of any situation which may require a chaplain response may contact a chaplain directly.

(c) No person who provides chaplain services to members of the Department may work or volunteer for the Port of San Diego Harbor Police Department in any capacity other than that of chaplain.

(d) The SDHPD Peer Support Lieutenant or designee will serve as the Chaplain Liaison. The SDHPD chaplains shall report to the Chaplain Liaison.

Mentoring Program

377.1 PURPOSE AND SCOPE

The purpose of this Standard Operating Procedure is to provide guidance to Harbor Police personnel as to who may participate in the Harbor Police Mentoring Program, and the procedures for that program.

377.2 INSTRUCTION

Participation in the Harbor Police Mentoring Program is voluntary and open to all members of the department, with the exception of trainees involved in the Field Training Program; however, the program is structured and those who choose to participate will do so in accordance with this Department Instruction.

377.3 BACKGROUND

The Harbor Police Mentoring Program is managed by the Mentoring Program Coordinator and is designed to serve a variety of purposes.

- (a) It pairs together in a working relationship an employee who enjoys assisting others with their personal and professional development with those seeking guidance and insight.
- (b) It provides those who wish to participate clear guidelines on how to establish a mentoring relationship and outlines specific relationship expectations.
- (c) It provides the Mentor with advancement opportunities by enhancing their interpersonal relationship and problem solving skills and provides the Mentee with much needed guidance and career development.
- (d) It assists the Harbor Police Department with carrying out a comprehensive Succession Plan by identifying and preparing suitable employees for advancement.

377.3.1 DEFINITIONS

(a) Mentor: A mentor oversees the career and development of another, usually a junior officer. He or she helps clarify career goals for the Mentee, and helps develop a plan for the Mentee to reach those goals by sharing the insights and knowledge they have gained through their experience with the department. The role of a mentor can include: teacher, motivator, counselor, guide, advisor, role model and sponsor.

(b) Mentee: Basically, there are two kinds of Mentees:

1. The novice officer who is new to the Department and has a need for a more experienced officer to pass on the organizational culture, politics, and personality of the Department. Not only does this knowledge help the Mentee succeed, but it also helps the Mentee feel included in the organization.
2. The other Mentee is a more seasoned officer who is seeking the professional guidance needed to enhance an already successful career.

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(c) Mentoring Program Coordinator: The Mentoring Program Coordinator is responsible for the management of the program, ensuring that the list of participants is active and viable. The Coordinator may assist participants in evaluating their suitability for participation and in brokering a mentoring relationship.

(d) Mentoring Program: The Mentoring Program is a document outlining the program and contains definitions of participants, the expectations of the mentoring relationship, the elements of the mentoring relationship, and considerations prior to establishing a mentoring relationship.

377.4 PROCEDURES

377.4.1 MENTOR PARTICIPATION

(a) Those wishing to participate as a Mentor shall submit a memo of interest to the Mentoring Program Coordinator. The memo shall include a supervisor's recommendation of suitability.

(b) Upon acceptance by the Mentoring Program Coordinator, the Mentor will be scheduled for related training.

(c) Upon completion of training, the Mentor's contact information will be made available to potential Mentees on the Mentoring Program contact list.

(d) If contacted by a prospective Mentee, the Mentor will follow the Mentoring Program outline in establishing a mentoring relationship. All questions and concerns outlined in the program should be addressed by both parties prior to the initiation of a mentoring relationship.

(e) Once an agreement has been made as to the parameters of the mentoring relationship, both participants have the option of signing a "Mentoring Agreement" contract, which can help outline goals and set boundaries. This document will be forwarded to the Mentoring Program Coordinator for retention.

377.4.2 MENTEE PARTICIPATION

Potential Mentees shall contact the Mentoring Program Coordinator if they are interested in participating in the program. The Mentoring Program Coordinator will make every effort to find a suitable Mentor from the list of participants.

377.4.3 CONFIDENTIALITY

(a) In order to foster open and honest communication, the Mentee must be able to trust the Mentor not to disclose their discussions with others. However, if both agree that communication with the Mentee's supervisor would be beneficial, the Mentor and the supervisor may talk. Examples of this include helping to identify developmental activities and prevent problems associated with differing needs, perspectives, and priorities.

(b) Discussions related to an intent to harm oneself or others, break a law, or violate a policy or procedure can never be kept confidential.

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

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380.3.1 AFTER AN ARREST

ever 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 their contact phone numbers. Allowing the subject to use their personal phone will also lessen the likelihood of the recipient not accepting the call due to the call being from unknown sources such as Department or blocked numbers.
- (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 child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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

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).

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

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

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).

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 Port of San Diego Harbor 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 INQUIRIES AND COMPLAINTS

Under the Americans with Disabilities Act, people with disabilities have the right to be accompanied by service animals in all public areas. The San Diego Harbor Police Department considers interference with or denial of this right by any member of this department to be a serious violation of this policy. Complaints alleging violations of this policy against any department employee will be promptly investigated and should be referred to the Professional Standards Unit.

382.5 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 Port of San Diego Harbor Police Department affords to all members of the public (28 CFR 35.136).

382.5.1 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.

382.5.2 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.

382.5.3 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

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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.

382.5.4 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).

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 generally will include unpaid chaplains, interns, and members of the Harbor Police Retired Senior Volunteer Patrol (RSVP).

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The function of the RSVP Coordinator is to provide a central coordinating point for effective management within the Department of RSVP members.

The RSVP Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified RSVP volunteers for various positions.
- (b) Facilitating the implementation of new member activities and assignments.
- (c) Maintaining records for each member.
- (d) Tracking and evaluating the contribution of members.
- (e) Maintaining the RSVP Handbook and outlining expectations, policies and responsibilities for all members.
- (f) Maintaining a record of RSVP schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

All other volunteers, not part of the RSVP program, will be assigned an immediate supervisor with whom he/she shall have direct reporting.

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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

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Employment

(c) References

(d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment..

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their assigned supervisor.

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.

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384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.

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(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution. Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

384.5.1 VEHICLE USE

Volunteers assigned duties requiring them to operate a vehicle or vessel, must first complete the following:

- (a) A vehicle driving safety briefing and department approved driver safety course.
- (b) A vessel operating safety briefing and department approved vessel operation safety course.
- (c) Verification that the volunteer possesses a valid California Driver License.
- (d) Verification that the volunteer carries current vehicle insurance.

When operating a department vehicle or vessel, volunteers shall obey all land based and waterside rules of the road, including vehicle seat belt requirements. Smoking is prohibited in or aboard all department vehicles and vessels.

Volunteers are not authorized to operate a department vehicle or vessel in a Code-3 status.

Volunteers shall not operate a marked patrol vehicle unless there is a prominently placed sign indicating that the vehicle is an out of service unit.

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384.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Harbor Police. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Harbor 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.

Photo and Curbstone Line-ups

387.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for photo and curbstone line-ups which are not in conflict with a person's civil rights, are in keeping with current case law, and which augment successful prosecution.

387.2 DEFINITIONS

a. Curbstone Line-Up - A curbstone line-up is generally conducted in the field, soon after an incident, and is generally a one-on-one confrontation, whereby the witness(es) views the suspect(s) in an effort to identify the perpetrator of a particular crime.

b. Photo Line-Up - A photo line-up can be conducted anytime after the commission of a particular crime. Witness(es) are shown a series of similar photographs and asked to identify the perpetrator from those photographs.

387.3 CURBSTONE LINE-UP PROCEDURE

1. You may detain a suspect for a curbstone line-up if there is reasonable suspicion to believe that the suspect committed a crime.

2. Generally, an officer who is conducting a curbstone line-up should not move the subject to a different location: There are three exceptions to the general rule that the suspect should not be moved:

(a) Probable Cause to Arrest If the officer has probable cause to arrest the suspect, he/she may take the suspect to the witness.

(b) Voluntary Consent If the suspect gives voluntary consent, you may move the detainee to the witness.

(c) Impracticality If it is impossible or impractical to bring the witness to the suspect, the suspect may be moved to the witness (i.e., the witness is injured to such an extent that he/she may not be moved).

3. Officers must avoid any statements or conduct that may be ruled as suggestive in court.

(a) Never tell the witness:

(1) You caught the person who committed the crime.

(2) The victim's property was in the suspect's possession.

(3) The suspect made admissions or confessed.

(4). The person to be observed is a "suspect" (it is better to never use the word suspect in front of the witness).

(b) Always tell the witness:

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Photo and Curbstone Line-ups

- (1). Keep an open mind.
- (2). The person who committed the crime may or may not be among those present.
- (3). Just because the person is in custody does not mean he/she committed the crime.
- (4). Do not talk to other witnesses about the identification.

4. Officers will read the following to the witness(es) prior to the curbstone line-up:

"I want you to look at somebody we have detained. Don't conclude from the fact that we have detained someone that he/she is the guilty party. You are not obligated to identify anyone. It is just as important to free an innocent person as to identify the guilty person. Be aware that sometimes people who commit crimes will try to disguise their appearance by changing clothes and wearing hats, sunglasses, or wigs. Don't say anything or make any gestures (nod, point, etc.) until you have completely viewed this person."

5. Officers will also avoid any conduct after the identification which might be ruled suggestive. (Do not tell the person if they picked the correct person or not.)

387.4 PHOTOGRAPHIC LINE-UP PROCEDURE

1. Generally, photographic line-ups will be conducted in follow-up investigations by members of the Administrative Unit, however, patrol officers may be tasked with conducting photographic line-ups with direction from the Watch Commander.

2. Photographic line-ups will include at least six photographs, one being a recent picture of the suspect, and five photos of other persons of the same sex, race, and similar facial characteristics.

3. Each photograph should be numbered on the back (from one to six). A record should be kept of the names, date of birth, and number assigned to each photo.

4. If there is more than one witness, they will view the photographic line-up separately.

5. The witness(es) should be given the following directions prior to seeing the line-up:

"I am going to show you six photographs. Please look at all six photographs before making any comment. The person who committed the crime may or may not be among those shown in the photographs you are about to see. If you recognize any of the persons in the photographs as the suspect, go back and pick out that person you recognize. If you recognized any of the persons, please do not ask me whether your choice was 'right' or 'wrong', as I am prohibited by law from telling you."

6. If the witness picks a photograph as being the suspect, ask him/her to initial the back of the photo. The officer should then initial and date the photo.

7. Regardless of whether the witness picks the correct person or not, do not discuss his/her choice with them.

8. All photos should be placed into an envelope. The envelope should be sealed, initialed, dated, and impounded, using standard evidence impounding procedures.

Peer Support Policy

389.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the operations of the HPD Peer Support Team. The San Diego Harbor Police Department recognizes and understands the value of providing support and resources for employees and their family members to support them in managing both professional and personal crisis. This will be accomplished through the use of a Critical Incident Stress Management (CISM) Program and the Harbor Police Department Peer Support Team.

The Peer Support Team may also be utilized to support other Port Employees, their families, and for immediate support to members of the community in situations of critical incidents such as natural disasters, mass casualty incidents, or traumatic events.

389.2 MISSION STATEMENT

The mission statement of the San Diego Harbor Police Department Peer Support Team is to be available to listen to, support, refer and assist employees and family members during stressful or difficult periods in their lives whether professional or personal. The Harbor Police Department's most valuable resource is its employees.

389.3 BACKGROUND

Research and experience have shown that immediate, focused psychological intervention can and does significantly reduce the negative after-effects of exposure to trauma. Further, an incident does not have to be a disaster of major proportion to be experienced as a "trauma" for those attempting to provide law enforcement services.

The objective of this policy is to provide timely professional intervention after major incidents to minimize stress-related injury to SDHPD personnel.

389.4 STRUCTURE

A. Peer Support / CISM Administrator (Appointed by the Chief of Harbor Police and serves at Chief's discretion) The Administrator manages a team of skilled peer support personnel, Chaplains and Professional Interventionists for the following components: Pre-Incident Education, Intervention Services, and Follow up Services. The Administrator's full responsibilities are set forth in the HPD Peer Support/CISM Procedure Manual.

B. Peer Support / CISM Coordinator: (Appointed by the Chief of Harbor Police and serves at Chief's discretion) The CISM Coordinator supervises all aspects of the Peer/CISM Support Program and assists the Administrator in the selection and training of the Department's peer support personnel. The Coordinator's full responsibilities are set forth in the HPD Peer Support / CISM Procedural Manual

C. Team Leaders: The Team Leader(s) lead an assigned CISM Team. The team is comprised of trained peer supporters. Team Leader(s) responsibilities are set forth in the HPD Peer Support / CISM Procedure Manual.

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D. Peer Support Personnel: Provide support and assistance to employees in times of stress and crisis. Peer support personnel responsibilities are set forth in the HPD Peer Support / CISM Procedure Manual.

E. Peer Support Consultant: Is a Mental Health Professional with socialized training in Law Enforcement stress and CISM. The Peer Support Consultant will be appointed by the Chief of Harbor Police. The Peer Support Consultant's responsibilities are set forth in the HPD Peer Support / CISM Procedure Manual.

F. Chaplains: Is a qualified member of the clergy that volunteers on the HPD Peer Support Team. They offer a spiritual component to the peer support team. These volunteers are also available for support on any other incident at the discretion of the Chief of Harbor Police. The Chaplain's responsibilities are set forth in the HPD Peer Support / CISM Procedure Manual.

389.5 DEFINITIONS

CRITICAL INCIDENT:

Any situation faced by emergency services personnel that might result in unusually strong emotional reactions which have the potential to interfere with their ability to function during or after an incident.

DEFUSINGS:

A diffusing immediately follows the critical event. It gives all parties involved in the incident the "Big Picture" of what occurred. It gives involved personnel a reminder about exercise, what foods to eat, to drink plenty of water, and to know their thoughts are normal. A defusing may eliminate the need for a formal debriefing process.

DEBRIEFINGS:

At the conclusion of a critical incident the appropriate Supervisor, CISM / Peer Support Team member may determine that a debriefing is recommended for employees who were directly or indirectly involved in the critical incident. Debriefings will normally be held within three (3) days of the critical incident. A debriefing is a formal meeting that may utilize mental health professionals.

389.6 USE OF PEER SUPPORT

Peer Support Team Members may be called out during a traumatic event that could cause severe physical or mental injury. Traumatic events may include, but are not limited to:

1. Officer involved shooting*
2. Line-of-duty death*
3. Serious line-of-duty injury*
4. Suicide of an Officer*
5. Infant / Child injury or death*
6. Personnel placed in extreme danger (i.e. hostages, assault, etc.)*

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7. Injury, illness, or death of an employee or family member of an employee*
8. Catastrophic incidents such as an airplane crash, fatal vehicular / vessel accidents, natural disasters. (i.e. fires, floods, earthquakes, etc.)*
9. Marital, relationship, health, family, financial, employment, or other personal problems.

389.7 PEER SUPPORT TEAM CALL OUTS

The number of peer support members needed should be determined by the nature of the incident and the number of individuals involved and affected.

389.8 CONFIDENTIALITY

It is imperative that each peer supporter maintain strict confidentiality of all information learned about an individual within the guidance of this program. An intentional violation of the confidentiality standard by any team member is a serious breach of trust and is cause for censure or removal from the peer support team

All conversations between peer support personnel and employees are not privileged under the Evidence Code. The Department will respect the confidentiality of conversations between peer support personnel and employees, with the following exceptions:

1. Matters which involve the individual being a danger to themselves and others
2. Cases where mandatory reporting applies (see CISM Manual).

389.9 TRAINING FOR TEAM MEMBERS

Required Training:

Basic Peer Support Training

See HPD Peer Support / CISM Procedure Manual for additional training.

Gun Violence Restraining Orders

392.1 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).

392.1.1 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).

392.2 POLICY

It is the policy of the Port of San Diego Harbor 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.

392.3 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).

392.3.1 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).

392.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

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

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

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

392.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

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

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

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392.5 SEARCH WARRANTS

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

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

392.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

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

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392.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

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

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

392.8 RELEASE OF FIREARMS AND AMMUNITION

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

392.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

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

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

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7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the Records 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).

392.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigations and Intelligence Section 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).

392.11 POLICY AVAILABILITY

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

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392.12 TRAINING

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

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily lineups and to attend lineups of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

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.

400.4 POLICY

The Port of San Diego Harbor 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.

400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Unified Port of San Diego. The function of patrol is to

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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.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Port of San Diego Harbor 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).

402.2 POLICY

The Port of San Diego Harbor Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

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Bias-Based Policing

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 Port of San Diego Harbor Police Department is the primary agency, the Port of San Diego Harbor 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).

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 Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.

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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 Patrol Captain should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Harbor 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 Harbor Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course 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 Professional Standards Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section Policy.

The Records Supervisor or their designee shall ensure that data stop reports are checked for errors and submitted to the DOJ (Government Code § 12525.5) at least monthly. Additionally, the Records Supervisor or their designee shall, at least monthly, request an error report which notes

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any data stop which was not accepted by the DOJ. The Records Supervisor or their designee shall be responsible for fixing any data stop errors prior to resubmitting the data.

Line-up Training

404.1 PURPOSE AND SCOPE

Line-up training is generally conducted at the beginning of the officer's assigned shift. Line-up provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct line-up; however officers may conduct line-up for training purposes with supervisor approval.

Line-up should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new General Orders or changes in General Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting line-up 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 LINE-UP TRAINING RECORDS

Line-up training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

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 Port of San Diego Harbor 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.

406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

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Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The San Diego Harbor 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 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Harbor Police, Captain, or Watch Commander.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Investigations Supervisor or Shift Sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Investigations Supervisor or Shift Sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

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: RSVP's, Chaplains, police applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

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 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 (provided that the ride-along is not an employee of the Port of San Diego Harbor 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.

Upon completion of the ride-along, the yellow form shall be returned to the Investigations Supervisor with any comments which may be offered by the officer.

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:

- (a) The ride-along will follow the directions of the officer
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

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- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee. Minor exposures that require no medical treatment may be documented on a Minor Injury Report form. Serious exposures or those requiring medical treatment shall be documented by completing a Worker's Compensation Claim Form and the associated supervisor's report. These reports shall be forwarded to the Department safety officer. Should the affected employee

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be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the appropriate reports.

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.

Response to Environmental Pollution Incidents

413.1 PURPOSE AND SCOPE

Employees of the Harbor Police Department will investigate all reported or observed incidents of possible environmental pollution within the jurisdiction of the Harbor Police.

413.2 DEFINITIONS

- (a) **Environmental Pollution** is the act or process of polluting. It is the contamination of air, soil, or water by the discharge of harmful substances.
- (b) Classifications of Environmental Pollution Incidents:
 - 1. An **Incidental** Environmental Pollution Incident is an amount of pollutant material that is not inherently dangerous to human life or property and does not require special handling. The pollution is unlikely to continue and follow-up investigation or enforcement is not probable.
 - 2. A **Minor** Environmental Pollution Incident is an amount or type of pollutant possibly requiring special handling or immediate clean-up. The pollution may continue and follow up investigation or enforcement may be needed.
 - 3. A **Major** Environmental Pollution Incident is an amount or type of pollutant material definitely requiring special handling or immediate clean-up. The pollution will continue and follow-up investigation or enforcement is required.

413.3 TYPES OF RESPONSE

An environmental pollution incident that is typically encountered in the field by patrol officers is a fuel spill either in the San Diego Bay or at the airport. In this type of instance, the substance can be identified and may not pose an immediate threat to human life or property. These and similar types of incidents can be handled per this policy.

In those instances where it is known that the substance poses an immediate danger to life or property, or the substance cannot be identified during the preliminary investigation, officers should respond per the Hazardous Material Response policy, (SOP 412).

413.4 PRELIMINARY ASSESSMENT

A preliminary assessment will be conducted to determine at least the following:

- (a) Location and extent of contamination
- (b) Type of pollutant material
- (c) Whether there is immediate danger to health
- (d) The source of the pollutant
- (e) The classification of the spill

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- (f) The additional government agencies required at the scene
- (g) Subsequent Harbor Police action

413.5 NOTIFICATIONS

The following notifications will be made as soon as practical:

- (a) At the **Airport**:
 - 1. On-duty Airport Supervisor
 - 2. S.D. Fire Department Airport Crash/Rescue
- (b) On **San Diego Bay**
 - 1. United States Coast Guard
 - 2. Office of Emergency Services (OES) 800-852-7550
 - 3. National Response Center (NRC) 800-424-8802. If a responsible party is located, it is preferable to have them make the NRC notification.
 - 4. Unified Port District Environmental Management Department
- (c) In addition to the specific notifications listed above, the following is a list of agencies/ personnel that may need to be notified:
 - 1. Member City Fire Department
 - 2. Fish & Game Department, State of California
 - 3. Water Quality Control Board, State of California
 - 4. UPD Environmental Management Dept.
 - 5. County Health Department
 - 6. County Dept. of Environmental Health Services
 - 7. Airport Manager's Office
 - 8. UPD Marine Operations Dept.
 - 9. Port General Services Dept.
 - 10. Harbor Police Captain
 - 11. Harbor Police Chief
 - 12. Pacific Treatment Analytical Services
 - 13. United States Navy Port Services

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413.6 SUPERVISOR RESPONSIBILITIES

- (a) Advise the Watch Commander as soon as possible of any spill classified as minor or major in nature and whether special handling/equipment will be needed to stop the pollution.
- (b) Ensure that all appropriate agencies have been notified and that an environmental incident report is completed.
- (c) Coordinate with responding agencies/personnel and act as liaison in the event of multiple agency response.
- (d) If the incident is criminal in nature, coordinate the investigation with assisting agencies and ensure that evidence is collected.

413.7 REPORTING

The Environmental Incident Report (UPD-673) will be completed in all environmental pollution incidents regardless of other reports completed by employees of the Port District or other responding agencies. All notifications will be listed in the officer's report. The report will include the time of the notification and the name of the person notified.

If criminal prosecution is requested, the Environmental Incident Report will be completed in addition to and submitted with the arrest/crime report. The report will include the UPD673 face page and an attached narrative of the incident.

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 Port of San Diego Harbor 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 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.

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- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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 MARTAC / SDPD Emergency Negotiations Team (MARTAC / SDPD Emergency Negotiations Team) response if appropriate and apprising the MARTAC / SDPD Emergency Negotiations Team 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.

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- (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
 - 1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
- (h) Ensure adequate law enforcement coverage for the remainder of the District during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department Watch Commander 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 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.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Port of San Diego Harbor 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.

416.2 POLICY

It is the policy of the Port of San Diego Harbor 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.

416.3.1 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 PORT OF SAN DIEGO HARBOR POLICE DEPARTMENT FACILITY

If the bomb threat is against the Port of San Diego Harbor 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.

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 Port of San Diego Harbor Police Department that is not the property of this department, the appropriate

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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 Unified Port of San Diego, 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 safety of either the facility or the public may require a more active approach, including police control over the facility.

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Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

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.
- (g) Search the area for secondary devices as appropriate and based upon available resources.

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- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) 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
- Field supervisor
- Watch Commander

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- 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.

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 Port of San Diego Harbor 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) 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.

418.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints

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are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

418.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

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:

- (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 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 physically non-compliant individual for a 5150 evaluation, two officers will conduct the transport together. An officer and a PERT clinician may transport a physically non-compliant individual for a 5150 evaluation with supervisor approval. A single officer may transport a voluntary or non-voluntary, but physically compliant, subject for a 5150 evaluation with supervisor approval.

When transporting any individual for a 5150 evaluation, the transporting officer should have Dispatch 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.

418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

- (a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the patient or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations Unit, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have 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 or her of the right to a hearing on the issue and that he or 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(s).
- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865(c).
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

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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.
- (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).

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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.

The individual may instead be arrested or booked and then transported to the appropriate mental health facility based upon the approval and evaluation of a supervisor. 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 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 Investigations and Intelligence Section, 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.

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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.

418.11 TARASOFF NOTIFICATIONS

Tarasoff v. Regents of the University of California. The Department will investigate and document all notifications by licensed psychotherapists where a serious threat of violence has been made against another person by one of their patients as defined in Welfare and Institutions Code sections 8100-8105. The Department will adhere to required Department of Justice notification of a patient's mental health information as described in these Welfare and Institutions Code sections.

418.11.1 PROCEDURES

The California Supreme Court ruled psychotherapists have a duty to protect a potential victim of a serious threat of violence made by one of their patients. Per CA Welfare and Institutions Code 8100(b)(1), any person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim is prohibited from possessing or purchasing any firearm or other deadly weapon for a period of five years. Welfare and Institutions Code 8105 (c) requires licensed psychotherapists to report the identity of these prohibited persons to local law enforcement agencies. Upon receiving a report from a licensed psychotherapist concerning the identity of a prohibited person, Law Enforcement is required to immediately notify the Department of Justice.

418.11.2 COMMUNICATIONS / DISPATCH RESPONSIBILITY

Upon receiving a Tarasoff Notification, the Communication Center will obtain the reporting party's full name, address, and telephone number. The Communication Center will also obtain as much information about the victim as possible. If the victim or suspect is not in the Harbor Police Department's jurisdiction, the call will be transferred to the appropriate law enforcement agency.

418.11.3 PATROL RESPONSIBILITIES

When the Tarasoff notification is from a licensed psychotherapist, officers will make a reasonable attempt to locate the suspect, and although law enforcement is not required by law to notify the victim, officers will make a reasonable attempt to contact the intended victim.

Generally, an officer will be advised from a PERT Clinician of a Tarasoff threat. When a Tarasoff notification is from the PERT member assigned to Harbor Police, the PERT Clinician will advise

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their patrol officer partner that a credible threat has been made. Upon this advisement, the officer will complete the Tarasoff paperwork to DOJ prior to the end of shift and will make a reasonable attempt to contact the intended victim. This notification can be done with the PERT clinician.

The victim should be given information about the threat of violence and the identity of the suspect. If the suspect is located, appropriate action should be taken based on the circumstances surrounding the nature of the threat and weapons considerations (see below).

Harbor Police Officers shall complete a Case Report detailing the incident and any actions taken. The officer will also complete a BOF4074 Law Enforcement Report of Firearms Prohibition. The form will be faxed by the officer to the Department of Justice and a copy of the form will be scanned and attached to the Case Report. The BOF4074 form is for Tarasoff notification reports only. The form is not to be used for any other crime reporting purposes, such as domestic violence cases.

Because the BOF4074 form cannot stand alone for placing an individual on the firearm's prohibition list, the associated officer's report must contain the following information:

- Date and time of the incident.
- The reporting party's information, including his or her identification as a licensed psychotherapist, phone number, and address.
- The reporting party's statement, including the identity of the suspect, the threat made by the suspect, whether the threat was stated directly to the psychotherapist or was acquired from a third party source, and the identity of the intended victim.
- The suspect's information, including name, address, date of birth, phone number, social security number, and physical descriptors.
- The victim's information, including name, address, date of birth, phone number, social security number, and physical descriptors.
- Date and time of intended victim notification. In the case a victim cannot be notified, explain why the notification could not be made. A Tarasoff notification report should still be completed as long as all other report requirements are met.
- Indicate the BOF 4074 form was completed.

Officers will document in their report the date and time the form was faxed. It should be noted these forms are only to be used in cases which involve a licensed psychotherapist making a TARASOFF notification and not for other crime reporting purposes.

[See attachment: BOF 4074 Form.pdf](#)

418.11.4 WEAPONS CONSIDERATIONS

Pursuant to Welfare and Institution Code 8100(b)(1), a person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims is prohibited from possessing, having under custody or control, purchasing, receiving,

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or attempting to purchase or receive any firearms or other deadly weapon for five years. This prohibition begins on the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency.

Per Welfare and Institutions Code 8102, whenever a person, described in Welfare and Institution CodeSection 8100 or 8103, is found to own, have in his or her possession or under his or her control, any firearm, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. The officer shall notify the person of the procedure for the return of any firearm or other deadly weapon that has been confiscated. Officers must keep in mind current search and seizure considerations for confiscating weapons.

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 Port of San Diego Harbor 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.

420.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

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

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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 a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

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.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

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 Unified Port of San Diego District codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations and Intelligence Section for further action including diversion.

420.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Port of San Diego Harbor Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The Port of San Diego Harbor 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.

422.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

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:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Category	Arrested	or Detained	Enter Residence	Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members	Diplomatic Agent																																																			
No(note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)	Member of Admin and Tech Staff	No(note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)	Service Staff	Yes(note (a))	Yes	Yes	Yes	No for official acts.	Yes otherwise(note (a))	No immunity or inviolability(note (a))	Career Consul	Officer	Yes if for a felony and pursuant to a warrant(note (a))	Yes(note (d))	Yes	No for official acts	Testimony may not be compelled in any case	No for official acts	Yes otherwise(note (a))	No immunity or inviolability	Honorable Consul	Officer	Yes	Yes	Yes	No for official acts	Yes otherwise.	No for official acts	Yes otherwise	No immunity or inviolability	Consulate Employees	Yes(note (a))	Yes	Yes	No-for official acts	Yes otherwise	No for official acts	Yes otherwise(note (a))	No immunity or inviolability(note (a))	Int'l Org Staff	(note (b))	Yes	(note (c))	Yes	(note (c))	Yes	Yes	(note (c))	No for official acts	Yes otherwise

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 Port of San Diego Harbor 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 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

424.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

424.5 PLANNING

The Patrol Captain or his designee should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment sporting event venues, religious venues, or military installations.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Potential locations for pre-planned triage areas for a mass casualty event.
- (i) Equipment needs.
- (j) Mutual aid agreements with other agencies.
- (k) Coordination with private security providers in critical incident target sites.

424.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Regional policies in active shooter/killer responses.(Reference SOP 425)
- (b) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training as applicable.
 - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (e) First aid, including gunshot trauma.
- (f) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Countywide Active Shooter Protocol

425.1 PURPOSE

A cooperative agreement between San Diego County Law Enforcement agencies regarding the response to an "Active Shooter(s)", also referred to as "Active Threat."

We also recognize that, the San Diego County Fire Chiefs' Association has a similar protocol detailing how Fire/EMS shall respond to these incidents; directives listed in both documents are intended to compliment public safety's overall efforts at stopping violence and saving lives.

[See attachment: SD County Active Shooter Protocol.pdf](#)

425.2 BACKGROUND

Workplace and school violence (commonly known as "active shooter") is one of the fastest growing threats to public safety. These incidents may occur at any location, and can be directed at specific individuals or facilities, or involve random targets with the goal of inflicting as many casualties as possible. Quite often the shooter(s) is prepared to die during the attack; some assailants utilize explosives to increase casualties. The size and scope of these incidents generally requires a mutual aid response involving inter-agency cooperation.

425.3 DEFINITIONS

425.3.1 ACTIVE SHOOTER

"Active Shooter" is defined as one or more assailants participating in a random or systematic shooting spree (or other violent act of mass-casualty), demonstrating their intent to continually harm others. Their overriding objective is to kill and injure as many people as possible. The assailants may also utilize other weapons (e.g. explosive devices, edged or blunt-force trauma weapons, or even involve weapons of mass destruction, etc.).

425.3.2 IMMEDIATE ACTION AND RAPID DEPLOYMENT (IARD)

"Immediate Action and Rapid Deployment" (I.A.R.D.) is the swift and immediate deployment of law enforcement personnel in a crisis situation where delays could result in additional death or injury to innocent persons. Rapid deployment is intended to control, contain and neutralize threats while returning order as soon as possible. It is also intended to deliver rapid medical assistance to victims.

425.3.3 CONTACT TEAM

"Contact Team" a group of officers/deputies (average size consisting of two to five) deployed using I.A.R.D techniques to neutralize an active shooter(s).

425.3.4 RESCUE TEAM

"Rescue Team" a group of officers/deputies (also average size of two to five) deployed after a contact team(s) to begin first aid treatment of the wounded, evacuate wounded to awaiting fire/

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EMS personnel, and/or establish casualty collection safe points to stage and triage the wounded while still inside "Hot Zones."

425.3.5 RESCUE TASK FORCE

"Rescue Task Force" a team of Law Enforcement/Fire/EMS (incident specific in size and number) formed to advance into "warm zones" (defined later) to triage, treat, and remove victims to safe areas.

425.3.6 TCCC

"TCCC" Tactical Combat Casualty Care (TCCC) is the standard of care in the pre-hospital battlefield environment.

425.3.7 TECC

"TECC" Tactical Emergency Casualty Care (TECC) is the civilian equivalent of TCCC. Both focus on hemorrhage control techniques, including use of tourniquets, pressure dressings, and hemostatic agents.

425.3.8 ZONES:

"Zones"

(a) Hot Zone:

1. The area where a direct and immediate threat exists. Fire/EMS personnel will not operate in this zone unless assigned to SWAT/SED as a Tactical Medic.

(b) Warm Zone

1. The area where a potential threat exists, but the threat is not direct or immediate. Fire/EMS resources may be requested to enter into warm zones for treatment and transport, but this should only be done with Force Protection and approved PPE.

(c) Cold Zone

1. The area where no significant danger or threat can be reasonably anticipated. This could be achieved by distance, geographic location or inaccessible areas from the incident. The cold zone is the location for staging of resources, ICP, treatment and transportation of patients.

425.4 POLICY

It is the policy of the San Diego County Police Chiefs' and Sheriffs Association that the following protocols be used during an active shooting incident. However, responding law enforcement personnel must remember that, these situations are violent and unpredictable. These protocols should serve as general guidelines. They are not intended to supersede the policies and procedures of an individual agency, nor should they override an officer/deputy's ability to exercise good judgment in the fluid response to an unfolding tragedy.

425.5 PROCEDURES

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425.5.1 DISPATCH RESPONSIBILITIES

Upon receiving a call of an active shooter, Police/Sheriff Dispatchers should execute their agency's standard emergency procedures. As soon as possible, the affected agency should broadcast the details of the active shooter to surrounding agencies via mutual aid radio channels. Dispatchers should create any patches necessary as soon as possible to facilitate communications for mutual aid law enforcement response, as outlined in the *Law Enforcement Assistance Network* protocols for mutual aid communications. All attempts should be made to share:

- Incident Location
- Law Enforcement staging point
- Command Post location
- Special equipment and/or units requested (e.g. tactical team(s), armored vehicles, air support, air ambulances, combat/STAR medics, K-9, parent reunification support, etc.)
- Number of suspects (if known)
- Number and types of weapons (if known)
- Fire/EMS staging and triage/morgue
- Parent/reunification staging (if applicable)
- Media staging
- The primary and secondary radio frequencies, and their designated uses
- Incident Commander

Responding officers/deputies should follow the guidance and direction of dispatchers regarding the use of selected radio frequencies.

Multiple exclusive Federal jurisdictional areas within the Department of the Navy (DoN) exist within San Diego County. All emergency dispatch services for these installations are handled by the Commander Navy Region Southwest (CNRSW) Regional Dispatch Center (RDC) located in close proximity to Pacific Highway and Lindbergh Field. The RDC fulfills the critical role of connecting DoN emergency services with outside partner agencies. In related Active Shooter incidents, it become imperative to establish and maintain communications with the RDC to ensure expeditious and safe access to installations during an emergency.

425.5.2 FIELD RESPONSIBILITIES

- (a) The closest units will be assigned as "primary" and should respond with lights and siren according to the guidelines set forth in their individual agency policies. If non-uniformed personnel respond, they will don appropriate tactical gear/clothing clearly identifying them as law enforcement (e.g. Sheriff, Police, DA's Office, Probation, Federal Law Enforcement, etc.)
- (b) The primary unit(s) responsibility is to locate the reporting party (if possible), verify the event, collect intelligence information, and begin immediate action to address the threat(s). These officers/deputies are encouraged to form a contact team (consisting

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of two or more responders) and begin moving to confront the suspect(s). The first officer/deputies on scene may wait for additional resources based on the suspected number of shooters, explosive threats, booby-traps, suspected WMDs, hazardous materials, etc. Conversely, this does not preclude a lone officer/deputy from advancing to eliminate the threat, should the opportunity present itself

- (c) Once a contact team moves towards the shooter(s), the objective is to locate/isolate the threat(s), mitigate/negotiate, and if necessary neutralize the threat(s). NOTE: The immediate rapid deployment into a hot zone is time-sensitive, and will likely occur before a supervisor arrives on scene.
- (d) If the first officers/deputies begin advancing towards the threat(s), they should make every attempt to advise dispatch of a staging and entry location from which other responding units/contact teams should deploy.
- (e) When feasible, each contact team should advise dispatch of:
 - Agency name and officer/deputy's name of each team member
 - Who is the designated team leader
 - What special equipment the team will be taking (e.g. patrol rifles, less lethal, tear gas, specialized entry tools, etc)
 - Ongoing updates of team locations/movements
 - Dispatch should ensure each team knows their contact/rescue team number (e.g. Contact Team #1, Rescue Team #1, etc).
- (f) Whenever possible, an appropriate School Resource Officer (SRO) should be included in the contact team during a K-12 deployment. On a college/university campus, a campus officer should be included on team deployments. SROs or college/university officers/deputies are required to know the location of each school's emergency management materials (often referred to as a "crisis box" or "emergency response box" in many K-12 environments) containing information about deactivating alarms, gas/water/electrical shut-offs, location of extra emergency keys, advanced knowledge of individual school site emergency procedures, evacuation/parent reunification sites, etc.
- (g) While searching for threat(s), each contact team must be conscious of 360-degree security of their team by utilizing the appropriate tactics (Cover and Movement, Diamond, "T" or other blocking formation).
- (h) It is essential that initial contact teams remain focused on their primary mission eliminating all threats to stabilize the situation and prevent further injury or death. It may be necessary for contact teams to bypass wounded and/or fleeing bystanders/victims to gain stabilization that will allow the rendering of medical aid and evacuation.
- (i) Officers/deputies should be prepared to direct any number of fleeing persons to a safe zone that is away from the line of fire.
- (j) The responding patrol units should establish a containment perimeter as soon as possible. However, containment of the perimeter may be secondary to the formation

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of a rapid deployment contact team(s) into the scene as dictated by evolving circumstances.

- (k) After contact teams are deployed into the scene, other responding officers should form rescue teams to locate and evacuate wounded victims.
 - 1. Consideration: The rapidly evolving dynamics of an active shooter incident may necessitate that a contact team might later rescue victims, and a rescue team may confront suspect(s).
- (l) A Rescue Task Force(s) may be utilized; a Rescue Task Force (RTF) is formed with officers/deputies providing security for Fire/EMS personnel as they move into a Warm Zone. The Incident Commander shall assign RTF missions to locate, triage, treat and move victims. As victims are reached, the RTF officers/deputies will provide security while medics treat victims using the concepts of TCCC (Tactical Combat Casualty Care).

425.5.3 SUPERVISOR AND WATCH COMMANDER RESPONSIBILITIES

- (a) A law enforcement supervisor or Watch Commander from the appropriate jurisdiction should respond, designate a single Incident Command Post (ICP) and establish Unified Command (UC) using the Incident Command System (ICS) in cooperation with Fire, EMS, and all other essential "decision makers" operating at this single location. All support assets should be requested as deemed necessary.
 - Consideration: For smaller agencies, command staff may be involved in initial contact and it may be necessary for the first responding allied agency to assume IC duties.
 - Consideration: For officers/agents responding to DoN facilities NCIS (Naval Criminal Investigative Service) will respond as soon as possible. NCIS will integrate and assert jurisdictional control of the incident and augmentation of tactical responses. The integration will be conducted in a manner that will not impede the expeditious actions of first responders taking immediate actions to save lives.
- (b) The Incident Commander should consider designating locations for evacuation points, temporary shelters, medical triage, press information staging, and areas of parent reunification.
- (c) Armored vehicles should be requested immediately.
- (d) The Incident Commander should assign personnel (preferably traffic and/or motor units) as soon as possible to manage the arrival/parking of responding law enforcement vehicles. Ingress/egress must remain open for Fire/EMS personnel, along with specialized law enforcement units (SWAT, K-9, Armored Vehicles, Emergency Negotiation Teams, etc).
- (e) The Incident Commander should make appropriate notifications, to include the Sheriff of jurisdictional Chief of Police.
- (f) The Incident Commander will be responsible for all media relations and press release information. The assignment of Press Information Officer (PIO) can be relinquished

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to an assisting outside agency; however, no information shall be released before approval by the jurisdictional Incident Commander. During incidents involving multiple agencies, joint press conferences are highly encouraged. This is intended to display agency cooperation to the public, along with limiting the risk of releasing conflicting information.

- (g) The jurisdictional agency retains command authority. Should the event be determined domestic or international terrorism, the FBI would supersede based on their legal mandate. The local agency(s) would remain heavily involved to assist as needed.

425.5.4 INVESTIGATOR RESPONSIBILITIES

- (a) Investigators from the primary jurisdiction should be responsible for conducting all necessary criminal investigations, officer involved shooting investigations, etc.
- (b) Whenever possible, investigators should be utilized during the critical incident to conduct computer work-ups, gather intelligence, interview suspect(s) family/friends, etc., to assist first responders and tactical officers.
- (c) The lead investigating agency can request assistance from outside agency investigators, the District Attorney's Office, Federal partners, etc.
- (d) The initial investigative function is to obtain statements from fleeing or evacuated bystanders, victims, and witnesses, and to gather witness information for later interviews. Intelligence should be gathered and relayed to the command post. Wounded individuals should be contained in a safe area for medical attention, and then interviewed accordingly.
- (e) If any officers/deputies discharge their firearms and/or use force during the incident, the employing officer/deputy's agency should conduct parallel administrative investigations in compliance with the department's procedure.

425.5.5 SWAT/SED AND CRISIS NEGOTIATION TEAMS

- (a) Responding SWAT/SED personnel should be prepared for rapid deployment at the direction of the Incident Commander.
- (b) If the scene has gone "static" (e.g. the suspect(s) become contained with a break in gunfire and/or there is a lull in victims being assaulted, the suspects are believed neutralized, etc.) SWAT/SED should assume responsibility for handling any hostage or barricaded suspect(s), clearing the remainder of the facility, etc.
- (c) Crisis Negotiation Team(s) may be requested as needed by the Incident or Tactical Commander.

425.5.6 LAW ENFORCEMENT MEDICAL RESPONSE, PREPARATIONS, AND TRAINING

- (a) The Sheriffs / Chiefs understand the need to begin rendering medical aid as soon as adequate law enforcement resources have begun advancing towards the threat(s).
- (b) Officers/Deputies should work expeditiously to evacuate the wounded, and/or create casualty collection points where the wounded can be triaged and treated as safely as possible. This may also involve the formation of RTF teams. For example, officers/deputies may post armed security at the windows/doors of a school classroom, retail

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shop at a mall, internal conference room, etc., so a casualty collection point can be established and patient treatment initiated even before all suspects can be neutralized. Again, this should only occur after enough officers/deputies have been dispatched in contact teams to move towards the threat(s).

- (c) Whenever possible, armed officers/deputies should escort Fire/EMS personnel into casualty collection points so they may begin providing advanced first aid and life support to the wounded. This may include the utilization of law enforcement armored vehicles to transport EMS personnel in/out of a scene, along with evacuating the critically injured to awaiting ambulance transport.
- (d) As funding becomes available, the Sheriff and each Police Chief should issue every field officer/deputy with a gunshot trauma kit, to include the items listed in subsection E, along with an Active Shooter Response Kit (e.g. "Go bag" or tactical vest with additional rifle and handgun ammo, rope, tape, marker pens, first aid supplies, etc.)
- (e) Each department's training division will do its best to include initial and refresher Tactical Law Enforcement Medical training to include at a minimum:
 - Tourniquet Drills
 - Wound packing with approved hemostatic agents
 - Airway and open chest wound treatment
 - Inter-operable lifts, drags, and carries
 - Latest TACMED scene management concepts

Immigration Violations

428.1 PURPOSE AND SCOPE

The California Legislature has found and declared that: 1) immigrants are valuable and essential members of the California community, 2) that a relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California, 3) trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all California, and 4) entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments. The purpose of this policy is to provide guidelines to members of the San Diego Harbor Police Department that are consistent with the San Diego Unified Port District's and Harbor Police Department's mission relating to immigration and interacting with federal immigration officials.

428.2 POLICY

It is the policy of the San Diego Harbor Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this Department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

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 without regard to race, ethnicity or national origin 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).

428.5 FEDERAL REQUESTS FOR ASSISTANCE

The Harbor Police Department is not required to respond to transfer or notification requests under the Values Act and retain the discretion to decline these requests for any reason (Government Code § 7282.5(a)).

Requests by federal immigration officials for assistance from the Harbor Police Department shall be directed to a supervisor. The supervisor is responsible for determining whether the requested

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assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

428.6 DETENTIONS

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 shall not make or intentionally participate in arrests based on civil immigration warrants, which means any warrant for a violation of federal civil immigration law and includes civil immigration warrants entered into the National Crime Information database.

An Officer may investigate, enforce, detain persons upon reasonable suspicion of, or arrest, persons for violation of 8 U.S.C. § 1326(a), the federal criminal violation for reentry by a noncitizen after removal, but only if the individual was removed because of an aggravated felony conviction under 8 U.S.C. § 1326(b)(2) and the suspected violation was detected during an unrelated law enforcement activity. Transfers of these individuals to immigration authorities are subject to restrictions regarding transfers.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 UCS § 1326(a) (unlawful reentry) that may be subject to enhancement 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). Officers shall not detain an individual in response to a hold request. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

An officer shall not detain any individual, for any length of time, for any other criminal violation of federal immigration laws (Government Code § 7284.6).

428.6.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for a violation of 8 USC § 1326(a), the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

428.7 INFORMATION SHARING

No member of the Harbor Police 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(e).):

(a) Sending information to, or requesting or receiving such information from federal immigration officials.

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(b) Maintaining such information in Harbor Police Department records.

(c) Exchanging such information with any other federal, state or local government entity.

Personal information shall not be provided, including but not limited to home or work addresses, unless this information is available to the public or permitted under Government Code Section 7284.6(b)(2). For purposes of this prohibition, "personal information" means "any information that is maintained by the District that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual." (Civ. Code § 1798.3(a).) However, the disclosure of an individual's name is permitted for purposes of making or responding to an inquiry about an individual's immigration or citizenship status to other governmental entities.

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

428.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6)

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code§ 667.5(c) or Penal Code§ 1192.7(c).

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state penitentiary.

(c) The individual has been convicted of an offense as identified in the Trust Act Government Code§ 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) 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.

(f) The information is available to the public. "Available to the public" refers to information where the Harbor Police Department has a practice or policy of making such information public, such as disclosing the information on its website or in response to specific requests.

428.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification or transfer request along with information as to whether the San Diego Harbor Police Department intends to comply with the request (Government Code § 7283.1).

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If the San Diego Harbor Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

428.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the San Diego Harbor Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1. If the Harbor Police Department provides access to an individual during the year, the Department shall hold at least one community meeting forum open to the public during the following year. (Government Code § 7283(d)).

428.7.4 PUBLIC RECORDS

All records relating to ICE access provided by the Harbor Police Department, including all communication with ICE, shall be public records under the California Public Records Act, subject to any exemptions provided for in the Public Records Act. Personal identifying information may be redacted prior to public disclosure as allowed under the Public Records Act.

428.7.5 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist:

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual was convicted within the past 15 years of a felony listed in Government Code § 7282.5(a)(3), or within the past five years of a crime punishable as either a felony or a misdemeanor (sometimes referred to as a “wobbler.”) listed in Government Code § 7282.5(a)(3).
- (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.
- (e) The individual has been convicted at any time of a felony that is presently punishable by imprisonment in state prison.
- (f) The individual has been convicted of certain specified aggravated felonies identified in section 101(a)(43)(A)-(P) of the federal Immigration and Nationality Act (8 U.S.C. § 1101(a)(43)(A)-(P)).

A conviction for a straight misdemeanor, i.e. a crime that is presently punishable only as a misdemeanor, is not listed in section 7285(a) and therefore is not a valid justification for honoring a transfer or notification request. Misdemeanor convictions for crimes affected by Proposition 47 (2014), the “Safe Neighborhoods and Schools Act,” including felony convictions that were reduced to misdemeanors or re-designated as misdemeanors by a court as a result of Proposition

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47, cannot serve as the basis for transfers or providing release date information to immigration authorities.(Government Code § 7285.5(a)(6).The crimes affected by Proposition 47 include, but are not limited to: simple drug possession for personal use, shoplifting, forgery, writing bad checks, petty theft, and receiving stolen property.

Before honoring a transfer or notification request on the basis of a qualifying conviction, the Harbor Police Department should review the individual's Record of Arrests and Prosecutions to determine whether a listed felony conviction was reduced to a misdemeanor, or re-designated as a misdemeanor, by a court under Proposition 47. If so, cooperation with immigration authorities is prohibited, unless there is another valid basis for cooperation (for transfers, a judicial warrant; for notifications, if the information is publicly available).

If the Harbor Police Department transfers an individual to immigration authorities, the Department shall report to the California Department of Justice the number of transfers it makes in a calendar year, as well as the offense that allowed the transfer. Government Code § 7284.6(c)(2).

428.8 OTHER RESTRICTIONS ON IMMIGRATION ENFORCEMENT

The Harbor Police Department shall not: (1) allow officers to be supervised by federal agencies or deputized for immigration enforcement purposes; (2) use immigration authorities as interpreters for law enforcement matters relating to individuals in custody; (3) provide office space exclusively for immigration authorities in District facilities; or (4) enter into a contract, with the federal government to house or detain adult and minor noncitizens in a locked detention facility for purposes of immigration custody, and may not renew or modify an existing contract if doing so would expand the number of contract beds available to detain noncitizens for purposes of civil immigration custody. (Government Code §§ 7310, 7311, CFR 287(g).

428.9 JOINT LAW ENFORCEMENT TASK FORCE

The Harbor Police Department may participate in a joint law enforcement task force, including the sharing of information with task force participants, under the following conditions:

- (a) The task force's primary purpose is not immigration enforcement;
- (b) Enforcement or investigative duties are primarily related to violations of state or federal law unrelated to immigration enforcement.

Nothing in the Values Act prohibits the Harbor Police Department from asserting its own jurisdiction over criminal law enforcement matters, i.e., engaging in an investigation, detention or arrest for criminal activities based upon California state law, even when its activities may indirectly impact or assist a federal agency that is engaged in immigration enforcement as part of a joint task force or otherwise. (Government Code § 7284.6(f).)This includes circumstances in which an officer is responding to a call for service involving a violation of a state criminal law or during an immigration enforcement action where the safety of the public or a law enforcement officer, including an immigration enforcement officer, is in danger.In these limited circumstances, the Harbor Police may assist any law enforcement official, even if those officials are engaged in

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immigration enforcement, but only when the Harbor Police Officer is enforcing state law. This narrow public safety exception should not be used to avoid the prohibitions in the Values Act.

If the Harbor Police Department has agreed to dedicate personnel or resources on an ongoing basis to a task force, it must report the information set forth in Government Code § 7284.6(c)(1) concerning the activities of the task force to the California Department of Justice as explained in Informational Bulletin 18-02-CJIS (California Values Act's Statistical Reporting Requirements).

428.10 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations and Intelligence Section Lieutenant assigned to oversee the handling of any related case. The Investigations and Intelligence Section Lieutenant 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 1-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form 1-914 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.

428.10.1 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).

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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 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

428.10.2 REPORTING TO LEGISLATURE

The Investigations and Intelligence Section Lieutenant 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).

428.11 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 offense has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The District Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The District's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the District side of the meter, emergency personnel should be called as soon as practical by Dispatch.

430.1.2 ELECTRICAL LINES

District Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch.

430.2 TRAFFIC SIGNAL MAINTENANCE

The District of the Unified Port of San Diego contracts with a private maintenance company to furnish maintenance for all traffic signals within the District, other than those maintained by the State of California.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Aircraft Accidents

434.1 PURPOSE AND SCOPE

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 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 Port of San Diego Harbor 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.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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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) Medical Examiner.
- (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.

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.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION

All aircraft accidents occurring within the District of Unified Port of San Diego 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 SDHP 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.
- (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 Watch Commander (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.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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 Port of San Diego Harbor 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

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of three years of patrol experience, one of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and FTP Coordinator
- (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.

436.2.3 ASSIGNMENT DURATION AND EXTENSION

Officers and Corporals selected for the position of Field Training Officer shall be assigned to this position for a period of three (3) years. Officers and Corporals may extend their participation as a Field Training Officer for three-year periods with the approval of the FTP Coordinator.

Officers and Corporals wishing to extend their assignment as a Field Training Officer will submit a letter of interest to the FTP Coordinator based on the following:

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- (a) Continued desire to be an FTO
- (b) Quality of training provided to recent trainees
- (c) Quality and timeliness of Daily Observation Reports
- (d) Dedication to their trainees and the Field Training Program
- (e) Recommendation for continued participation by supervisor who was present when the Officer or Corporal was assigned a trainee

Corporals and/or Officers who are participating in the Field Training Program, and who are subsequently selected for a special assignment as outlined in SOP 1003, shall be deemed "inactive" in the Field Training Program. Following the completion of the special assignment, Corporals and/or Officers who were previously active participants in the Field Training Program may request reinstatement to active FTO status. The request for reinstatement shall follow the same steps as outlined above.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Captain or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

436.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Port of San Diego Harbor 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 22 weeks.

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The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of 12 weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

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 Port of San Diego Harbor 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 Port of San Diego Harbor Police Department.

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 Trainee Performance Evaluations and forward them to the Field Training Administrator.

436.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

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.

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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 Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Obtaining Helicopter Assistance

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.

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 Port of San Diego Harbor 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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440.3 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 Port of San Diego Harbor 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

440.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (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 have the individual read and sign the appropriate form accompanying the photograph.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. 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.

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 Section.

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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 Port of San Diego Harbor 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.

Criminal Organizations

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Port of San Diego Harbor Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.2 POLICY

The Port of San Diego Harbor 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 Harbor 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.

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 supervisor responsible for consideration of criminal intelligence system entries.

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.

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- (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 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.

442.7.1 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).

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. The purpose of this procedure is to provide guidelines to supervisory personnel assigned to perform the role of Watch Commander. To accomplish this goal, a Lieutenant heads each watch.

444.2 DESIGNATION AS ACTING WATCH COMMANDER

When a designated lieutenant is unavailable for duty as Watch Commander, in most instances the designated sergeant shall be the acting Watch Commander

444.2.1 DEFINITION OF WATCH COMMANDER

The Watch Commander is the management/supervisory member of the department assigned to oversee all field operations on a shift-by-shift basis.

The following personnel, in descending order, will be the assigned Watch Commander for each shift:

- (a) Any designated lieutenant on an assigned shift basis
- (b) The Patrol Sergeant, as a collateral duty
- (c) The airport sergeant, as a collateral duty, on the occasion when a corporal is assigned as an acting Patrol Sergeant

444.3 PROCEDURE

Generally, the following duties are the responsibility of the Watch Commander for each assigned shift:

- (a) Attend line-up briefings
- (b) Monitor the condition of Harbor Police facilities
- (c) Monitor the condition of the patrol vehicle fleet
- (d) Monitor the condition of the patrol/fire vessel fleet
- (e) Coordinate special events and associated contingency plans
- (f) Monitor preliminary investigation of employee injury and/or equipment damage
- (g) Provide resource information to supervisors
- (h) Assist supervisors with employee performance issues
- (i) Monitor and review all uses of force and associated reports
- (j) Review all arrest reports and reports associated with incidents of management significance
- (k) Respond to all significant incidents and establish a command post, if appropriate

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- (l) Advise Harbor Police Dispatch and command staff of significant incidents
- (m) Provide media liaison when necessary
- (n) Represent the Department at assigned speaking events
- (o) Provide liaison services to military and law enforcement organizations
- (p) Provide resource information to other Port District departments and the Port Attorney in support of the mission of the Harbor Police Department

Long Range Acoustical Device (LRAD)

447.1 PURPOSE

The purpose of this policy is to establish guidelines and procedures related to proper and the safe deployment and use of the Long Range Acoustic Device (LRAD). The LRAD is a high intensity directional acoustical array for long range, clear speech hailing, and an emergency siren notification warning alert tone. It is a type of Acoustic Hailing Device (AHD) that provides communication and warning functions in a clear format and over longer distances when compared to traditional public address systems mounted to most patrol vehicles. The use of the equipment described in this policy by HPD personnel is in accordance with Government code 7070 and HPD policy 712, which regulate the use of military equipment.

The Port of San Diego Harbor Police Department may deploy the LRAD communication system for events where necessary to notify the public of large-scale evacuations, convey information to large crowds, hailing in emergency Search and Rescue operations, crisis negotiations, and other critical incidents. The purpose of the LRAD communication system is to communicate clear direction to individuals or groups during critical incidents where traditional communication methods are not feasible. The Port of San Diego Harbor Police will not use the LRAD communication system warning alert function for crowd dispersal or control, unless the crowd is engaged in actions that have a high likelihood of causing injury to officers or uninvolved civilians, and only after the crowd has already been provided a lawful order to disperse and is not compliant.

447.2 POLICY

It shall be the policy of the Port of San Diego Harbor Police Department to deploy and use the LRAD communication system to maximize the safety of all individuals involved in an incident.

447.3 DEPLOYMENT OF LRAD

The Port of San Diego Harbor Police Department may deploy the LRAD communication system for events where necessary to notify the public of large scale evacuations, convey information to large crowds, hailing in emergency Search and Rescue operations, crisis negotiations, and other critical incidents. The purpose of the LRAD communication system is to communicate clear direction to individuals or groups during critical incidents where traditional communication methods are not feasible.

447.3.1 RESTRICTIONS

The LRAD communication system shall only be used by officers in compliance with this policy. Officers using the LRAD communication system must have acknowledged understanding this policy and have received an in-person overview of the LRAD equipment and its safe deployment.

The volume of the LRAD communication system is controlled by the operator and is clearly marked on the device. Hearing protection is required for operators of the device and all officers in the area where the device is being deployed.

Operators of the device must:

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1. Have received an order for its use from the incident commander for a clearly designated purpose consistent with this policy.
2. Have received department approved training on the use of the LRAD communication system and have reviewed and acknowledged understanding of this policy.
3. Ensure the LRAD communication system is positioned, aimed and operated in a manner that avoids exposing nearby personnel and bystanders to excessive sound pressure levels.
4. LRAD communication system shall not be used when bystanders are within 10 meters/11 yards of the front of the device.
5. Never operate the LRAD communication system at maximum power where person(s) may be within 75 meters/82 yards of the front of the device, or where the reflected distance between person(s) and an acoustically reflective object (i.e., a building, a wall, or a bulkhead) is located closer than 10/11 yards meters.
6. The LRAD communication system may be used to clearly communicate with the public in the event of:
 - a. Emergencies
 - b. Natural disasters
 - c. Evacuations
 - d. Search and rescue incidents
 - e. Use with the Crisis Response Unit or negotiations
 - f. Crowd control communications and dispersal orders

447.4 USE OF ALERT TONE / SIREN

The LRAD communication system has the capability to emit acoustic sound pressure levels in excess of accepted OSHA noise hazard levels. This function is called the 'Warning/Alert' function and is used to get the attention of members of the public. The LRAD Warning/Alert tone shall only be used when authorized by a Harbor Police Lieutenant, or a higher-ranking authority. Advanced verbal warning of its imminent use shall be broadcast before the Warning/Alert system is used. The LRAD communication system Warning/Alert function shall only be used in cases where officers or civilians are under an articulable threat of imminent physical injury due to criminal activity that threatens physical harm to persons.

The use of the LRAD communication system Warning/Alert function shall constitute a use of force. As such, any use of the LRAD communication system Warning/Alert function shall be documented in accordance with the Harbor Police Department's Use of Force policy.

The LRAD communication system Warning/Alert function shall be used solely for no more than 5 second bursts and is prohibited when bystanders are within 20 meters/22 yards of the front of the device. Advance notification shall be provided to perimeter personnel, prior to activating the

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warning tone. When authorized for use in the field, the LRAD communication system Warning/Alert function shall only be used when all the following criteria are met:

1. In short durations, beginning at a low volume before using a mid-range volume; and,
2. To gain immediate attention of persons involved in criminal activity that threatens physical harm to persons.

The LRAD communication system Model 100X shall not be used in the red zone of the volume knob when citizens are closer than 14 meters/15 yards.

The LRAD communication system Model 500X shall not be used in the red zone of the volume knob when citizens are closer than 77 Meters/85 yards.

447.5 DOCUMENTATION

All uses of the LRAD communication system shall be documented prior to the completion of the LRAD communication system operator's shift. The documentation shall include a factual background of the incident giving rise to the need for the use of the LRAD communication system, the reason(s) for its use, the number of times, if any, that the LRAD communication system Warning/Alert function was utilized, the duration used, how loud the volume was set for each use, what the distance was for each use, the name of the operator, and a summary of the result of the use.

Mobile Digital Computer 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 Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

448.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

448.3 POLICY

Port of San Diego Harbor Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

448.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

448.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

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 MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

448.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

448.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

448.6 EQUIPMENT CONSIDERATIONS

448.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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448.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by employees of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, handheld or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Port of San Diego, Harbor Police facility that are recorded by another means, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

450.2 POLICY

The San Diego Harbor Police may provide employees 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 employees of the Department and the public.

450.3 COORDINATOR

The Chief of Harbor Police or the authorized designee shall appoint an employee of the Department to coordinate with the Body Camera Service provider to facilitate 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 schema 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 EMPLOYEE PRIVACY EXPECTATIONS

All recordings made by employees 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. Employees shall have no expectation of privacy or ownership interest in the content of these recordings.

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450.5 EMPLOYEE RESPONSIBILITIES

Prior to going into service, each uniformed employee will be responsible for making sure that he/she is equipped with a portable recorder if one has been issued to them by the Department, and that the recorder is in good working order. If the recorder is not in working order or the employee becomes aware of a malfunction at any time, the employee shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed employees should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any employee assigned to a non-uniformed position may carry an approved portable recorder at any time the employee believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed employees should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any sworn employee operating in a non-uniformed capacity, shall wear their issued body worn camera anytime they don a ballistic vest which clearly identifies them as a law enforcement officer, when participating in a pre-planned event in an enforcement capacity, or when serving a search or arrest warrant. In these specific, non-uniformed situations, the activation of the BWC shall be consistent with this policy. For non-uniformed, investigative personnel, BWCs shall continue recording during the clearing of any location where a search will take place and/or where a suspect may be found. No recording is required during the actual search of a location – only during the initial contact at the door/entry and the subsequent clearing of the location.

When using a portable recorder, the assigned employee shall record his/her name, employee identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Employees 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 employee deactivated the recording. Employees should include the reason for deactivation.

450.5.1 SUPERVISOR RESPONSIBILITIES

The body camera systems provided by the Department have an automatic downloading capability when placed in the charging dock. Supervisors should ensure that the portable audio/video recording is uploaded to EVIDENCE.COM as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident (Penal Code § 832.18). In instances where the recording officer is otherwise unable to download their own video, the Supervisor may take custody of the portable audio/video recording device in order to ensure the device is downloaded as soon as practicable.

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450.5.2 LIVE STREAMING OF VIDEO

The Body Camera system has the capability of live streaming the video that is being recorded by the portable recorder once the recording has been initiated by the user. This feature must be purposefully activated and the access to the stream is controlled by the systems user provisions. The live stream feature shall only be accessed by supervisors or dispatch personnel with watch commander approval under the following circumstances:

- (a) When contact with an officer has been lost, or when there is another legitimate concern for the officer's safety, the duty sergeant or lieutenant may access the live stream feature in order to provide situational awareness to responding officers and to coordinate additional resources as needed. Once the situation is deemed safe, the live stream feature shall be turned off.
- (b) The supervisor or incident commander of a tactical or pre-planned operation may, with prior disclosure to all involved officers, activate the live stream feature in order to monitor the operation remotely to enhance officer safety and inform additional resources that are part of that operation.

450.5.3 GLOBAL POSITIONING SYSTEM (GPS) ACCESS

Each Portable Recorder reports its GPS location to a map accessible through EVIDENCE.COM while it is recording. This information shall be accessed by supervisory personnel only when there is an officer safety interest, (e.g. an officer is not responsive to being hailed on the radio while on a contact or call for service, an officer calls for assistance/cover but their location is not clearly known).

450.6 ACTIVATION OF THE PORTABLE RECORDER BY SWORN MEMBERS

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. Employees should activate the recorder any time the employee believes it would be appropriate or valuable to record an incident. Generally, employees shall advise members of the public when they are being recorded. It is suggested that employees make the advisement in a language the recorded person(s) can understand, to the extent that employees are able to communicate in this language.

The portable recorder should be activated in any of the following situations:

- (a) All anticipated enforcement actions and investigative contacts including stops and field interviews (FI) situations.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- (c) Self-initiated activity in which an employee would normally notify the Communications Center.
- (d) Generally, employees do not need to record routine non-criminal report calls where there is no anticipated enforcement action.
- (e) When practical, all suspect, victim, and witness statements.
- (f) When transporting members of the public who are of the opposite sex.

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- (g) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording or in the event the employee believes the recording would protect the interests of the employee or the Department.

450.6.1 ACTIVATION OF THE PORTABLE RECORDER BY NON-SWORN MEMBERS

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. Employees should activate the recorder any time the employee believes it would be appropriate or valuable to record an incident. Generally, employees shall advise members of the public when they are being recorded. It is suggested that employees make the advisement in a language the recorded person(s) can understand, to the extent that employees are able to communicate in this language.

The portable recorder should be activated in any of the following situations:

- (a) Any anticipated vending enforcement.
- (b) While taking any enforcement action which involves a citizen contact.
- (c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording or in an event the employee believes the recording would protect the interests of the employee of the Department.

450.6.2 SPECIAL CIRCUMSTANCES WHICH SHOULD NOT BE RECORDED

Employees (sworn and non-sworn) may encounter special circumstances which should not be recorded:

- (a) Employees should not record other public safety personnel without their consent or notification. Employees should notify other public safety personnel, such as firefighters, paramedics, or other law enforcement officers as soon as practical when they are being recorded during an incident.
- (b) Employees are not required to record non-enforcement contacts, such as citizen flag down for directions or non-enforcement related contacts with the public.
- (c) Victims of child abuse or molest generally should not be video recorded, however, audio recording of such victim's statements is encouraged.
- (d) Victims of sexual assault generally should not be video recorded without consent; however, audio recording of such victim's statements is encouraged.
- (e) Victims who are partially unclothed or nude shall generally not be video recorded; however audio recording is appropriate.
- (f) Suspects who are nude or partially unclothed shall be covered as soon as reasonably possible to protect their personal privacy and dignity.
- (g) Employees should generally not record victims or suspects in hospital or emergency room settings. In the event an employee elects to make a recording, whether audio or video under this section, the employee shall take reasonable steps in consideration of the HIPPA rights of patients and the privacy of hospital staff. Employees may video or audio record a suspect if the suspect's conduct is violent or threatening to staff or to employees.

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- (h) Employees should use care when recording pre-planned tactical operations such as search warrants to avoid unnecessary public disclosure of current law enforcement entry tactics.
- (i) Employees shall 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 employee that such privacy may outweigh any legitimate law enforcement interest in recording. This concern also applies when employees enter a home in a non-warrant or non-exigent circumstance.
- (j) Requests by members of the public to stop recording shall be evaluated similarly, balancing the request for privacy with legitimate law enforcement interest in recording. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.
- (k) Confidential interactions solely limited to discussions with confidential informants need not be recorded. If the employee chooses to record such interactions, the recording should be appropriately classified to prevent disclosure which could compromise the confidential informant. The Department Evidence.com manager should be notified of the existence of audio or video involving a confidential informant so they can ensure the agency prevents a disclosure which could compromise the safety of the confidential informant.

At no time is an employee expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder shall be activated in situations described above as soon as practicable.

450.6.3 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the employee 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.

Employees 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).

450.6.4 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Employees of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the employee reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Employees shall not surreptitiously record another department employee without a court order unless lawfully authorized by the Chief of Harbor Police or the authorized designee.

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450.6.5 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

Employees 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.

Employees 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. Employees shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Employees are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Captain. Any employee 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 employee for the purpose of embarrassment, harassment or ridicule.

450.7.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

450.8 RETENTION OF RECORDINGS

Any time an employee records any portion of a contact that is required per the categorization schedule, the employee shall categorize the video, record the related case number and transfer the file in accordance with current procedures for storing digital files. The employee shall also document the existence of the recording in the related case report. Transfers shall occur at the end of the employee's shift, or any time the storage capacity is nearing its limit or as otherwise directed by a supervisor.

While using Body Worn Cameras in conjunction with EVIDENCE.COM, employees shall use the categorization and notation functions of EIDENCE.COM to make notes within the system on cases where enforcement action was taken or for videos which should be retained. Notes such as case numbers, suspect names, and citation numbers will facilitate flagging videos for review, discovery and retention.

Employees need not make notes on every recording, only recordings which should be retained according to the categorization schedule. Uncategorized videos will be deleted after 365 days so it is critical that videos are appropriately categorized.

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An employee should transfer, tag or mark recordings when the employee 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 an employee reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact or citizen complaint); the employee shall promptly notify a supervisor of the existence of the recording. Supervisors, managers, system coordinator, or the Professional Standards Unit Lieutenant may re- categorize recordings as they deem necessary.

The Department shall take all reasonable measures to ensure the security of stored recordings, whether audio or video, in an effort to prevent unauthorized access to said stored recordings.

450.8.1 RETENTION REQUIREMENTS

It is the responsibility of the employee making the recording to affirmatively categorize recordings in EVIDENCE.COM based upon the circumstances of the incident. All recordings shall 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 60 days.

While it is critical to retain recordings of evidentiary value, it is almost as important that files of insignificant incidents are deleted in a timely fashion according to the retention schedule. The following retention schedule should serve as a guide; however, the program coordinator or any other supervisor or manager may extend the retention schedule of a recording based upon the significance of a case:

- (a) Homicides -permanent retention in EVIDENCE.COM and **all** videos shall be recorded to a backup media, such as DVDs and logged into evidence in the Crime Lab.
- (b) Cases involving potential civil liability to the District -Until manually deleted or 100 days after the conclusion of any court action.
- (c) Felony (3-year retention)
- (d) All instances involving use of force, to include body weapon techniques (3-year retention)
- (e) Officer-involved shootings permanent retention in EVIDENCE.COM and **all** videos shall be recorded to a backup media, such as DVDs and logged into evidence in the Crime Lab.
- (f) Misdemeanors including traffic related misdemeanors (2-year retention)
- (g) Citations (2-year retention)

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- (h) Field Interviews (2-year retention)
- (i) Uncategorized (NO ACTION REQUIRED) - routine incident with no apparent investigative value -365-day retention

Recordings of the following nature should be retained for a minimum of two years (Penal Code §832.18):

- (a) Incident involving use of force by an officer
- (b) Incidents that lead to detention or arrest of an individual
- (c) Recordings relevant to a formal or informal complaint against an officer or the 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).

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

450.9 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

Audio and video recordings are designated by the Department as investigative records and are not subject to routine release through requests via the California Public Records Requests Act (CPRA), the Freedom of Information Act (FOIA), or other non-court ordered requests for audio or video records.

When preparing written reports, employee should review their recordings as a resource and shall be granted access to review them upon request. However, employees should not use the fact that a recording was made as a reason to write a less detailed report. With the exception of a timely public safety statement, employees who are involved in a critical incident shall be allowed to review their own recording of the incident prior to giving a voluntary or compelled statement. Under no circumstances will such a delay be longer than 48 hours after the incident in the event of a compelled statement.

In the event that the recording of an employee involved in a critical incident is damaged, destroyed, of poor quality or in the event that other employee's recordings offer a better perspective of the critical incident than that of the subject employee(s), employees may be allowed to review the recordings of other employees involved in said critical incident prior to giving a voluntary or compelled statement. In such rare instances, at the discretion of the Chief of police, employees may be allowed to review another employee's recording if the other employee was in the immediate proximity of the subject employee and their recording offered the same scene orientation and perspective of the incident

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Supervisors are authorized to review relevant recordings any time they are investigating an incident of alleged misconduct, which was captured by the body worn camera.

Recordings may also be randomly audited by the professional standards unit or body worn camera program coordinator for quality control purposes to ensure that the system is performing as designed and that employees are utilizing the equipment as per this policy.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any employee 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 an authorized designee or when the Chief determines such release is in the public's interest and the release will not compromise the integrity of the ongoing investigation.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- (e) For purposes of training law enforcement personnel once the case has been adjudicated. Such training use shall not be disparaging or demeaning to employees of the Department or the subjects of the recording. Examples of useful recordings may include contact and cover, pursuits, tactics or de-escalation techniques.

The Chief of Police shall have final Departmental authority in determining the release of recordings where not otherwise required by court order, statutory authority or other lawful authority.

All recordings should be reviewed by the Departmental Custodian of Records prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

450.11 EDITING, TAMPERING OR COPYING

All audio and video recordings are part of the investigative record and shall be preserved in their original format without deletion, editing or tampering according to the retention schedule.

Employees may not delete, copy, photograph, video record, Department recordings without the express permission of the primary Body Worn Camera system coordinator. Unauthorized tampering, editing or deletion of a video may result in discipline, up to and including termination.

Accessing EVIDENCE.COM is limited to official duties and during work hours. The unauthorized viewing or sharing of any files contained within EVIDENCE.COM is prohibited and may result in discipline, up to and including termination.

EVIDENCE.COM has editing features which may be used to redact or obscure portions of recordings which may be sensitive. The editing features do not modify or alter the original recording; rather they create a second edited version for special circumstances. Only designated program personnel will have access to editing features.

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 Port of San Diego Harbor 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 Port of San Diego Harbor 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 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 1. In any place where smoking is prohibited by law.
 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 3. On a school bus.
 4. While in a motor vehicle that is being operated.
 5. While operating a boat.

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- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

452.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

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.

Bicycle Patrol Unit

453.1 PURPOSE AND SCOPE

The Port of San Diego Harbor Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

453.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander. Bicycle Patrol is considered a collateral duty.

453.3 SELECTION OF PERSONNEL

Any officer who has completed the required bicycle training course may be deployed for bicycle patrol during special events or any time the Watch Commander or patrol sergeant approves such deployment.

Sworn personnel who are off probation and are interested in becoming certified as part of the Bicycle Patrol Unit, shall submit a request to attend a POST Certified or a Department Approved Equivalent Bicycle Patrol class. This request shall be routed through the training unit. The training unit sergeant will evaluate the request with input from the Bicycle Patrol supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance
- (b) Special skills or training as it pertains to the assignment
- (c) Good physical condition
- (d) Willingness to perform duties using the bicycle as a mode of transportation

453.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Chief of Harbor Police or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment
- (c) Scheduling maintenance and repairs

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- (d) Evaluating performance of bicycle officers
- (e) Coordinating activities with the Patrol Division
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit

453.4 TRAINING

Participants in the program must complete an initial Department approved bicycle training course after acceptance into the program. Thereafter bicycle patrol officers should receive in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall be a California POST Certified or Department Approved Equivalent and minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

453.5 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the Department approved uniform and safety equipment while operating the police bicycle. Safety equipment includes Department approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest is also required.

The bicycle uniform consists of the approved Class C uniform as listed in SOP 1045..

Optional equipment includes jacket in colder weather; turtleneck shirts or sweaters are permitted when worn under the uniform shirt, radio head set and microphone.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment. Officers may use the outer vest with the Bicycle Patrol Uniform.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

453.6 CARE AND USE OF PATROL BICYCLES

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in color with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle (Vehicle Code § 21201.3).

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Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

453.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call
- (b) While engaged in rescue operations
- (c) In the immediate pursuit of an actual or suspected violator of the law

Marine Fire Fighting

454.1 PURPOSE AND SCOPE

This policy establishes procedures for responding to and controlling marine firefighting calls.

The following procedures are presented as a guideline for responding to marine firefighting calls. Each officer however must apply his/her own knowledge and experience when choosing the appropriate procedures for each particular incident.

454.2 ROLES AND RESPONSIBILITIES

The San Diego Harbor Police Department (HPD) will coordinate with the United States Coast Guard (USCG) and member city fire agencies, when applicable, to provide port and scene security during a fire emergency. HPD will be called upon to provide staffing, equipment, waterfront knowledge and expertise, and be a communication liaison between marine radio frequencies and member city fire frequencies. HPD vessels may be utilized as a platform for rescue or observation, fire suppression, transportation of personnel, protection of exposures, and to provide additional pumping capacity. HPD may also provide support personnel to member city agencies when requested.

454.3 DEFINITIONS

- (a) **Immediately Dangerous to Life or Health (IDLH):** Any condition that would do one of the following: (a) Pose an immediate or delayed threat to life; (b) Cause irreversible adverse health effect; (c) Interfere with an individual's ability to escape unaided from a hazardous environment.
- (b) **Personal Protective Equipment (PPE):** Multiple elements of clothing and equipment designed to provide a degree of protection for firefighters from adverse exposure to the inherent risks of structural fire-fighting operations and certain other emergency operations. The elements of the protective ensemble are coats, trousers, helmets, hoods, gloves, footwear, and interface components.
- (c) **Self Contained Breathing Apparatus (SCBA):** A respirator worn by the user that supplies a respirable atmosphere that is either carried in or generated by the apparatus and is independent of the ambient environment.
- (d) **Industrial Fire Brigade:** An organized group of employees within an industrial occupancy who are knowledgeable, trained and skilled in at least basic fire-fighting operations and whose full-time occupation might or might not be the provision of fire suppression and related activities for their employer.
- (e) **Shipboard Firefighting:** A ship for shipboard firefighting purposes is defined as being about 120' in length or more, steel or aluminum construction, with watertight bulkheads and doors.

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- (f) **Pleasure Craft:** A boat, ship, vessel or any other description of water craft that is used exclusively for pleasure and does not carry passengers or goods for hire, reward or any object of profit

454.4 JURISDICTION

For all landside fire situations HPD shall be under the member city fire agency's command and be a resource to the IC. For open water pleasure craft fires HPD shall have primary responsibility for extinguishment and control. For all shipboard firefighting USCG shall have primary responsibility.

454.5 USE OF PERSONAL PROTECTION EQUIPMENT

All Harbor Police personnel assigned to vessel units or vehicle patrol units shall carry and have available his/her department issued Personal Protective Equipment (PPE), unless storage space in the vehicle does not permit (i.e. two-person unit). All Harbor Police personnel who enter an environment which is immediately dangerous to life or health, or engage in marine firefighting activities, shall fully don PPE. However, nothing in this policy is meant to slow or delay an officer's response or the ability to take action. The officer is expected to don PPE in as expedient a manner as possible. Use of PPE does not guarantee officer safety; however, proper use of PPE can prevent and/or reduce injuries. Officers entering an environment which is immediately dangerous to life or health, or who engage in firefighting activities, shall wear the following PPE equipment:

- Helmet (with flashlight)
- Protective Hood
- Protective Coat (with interior liner)
- Protective Trousers (with interior liner)
- Gloves
- Safety boots
- Eye protection: Fire goggles shall be used when only eye protection is needed. The SCBA face piece need only be donned in preparation of using supplied air. These items shall be kept immediately available, preferably on the officer's person
- Self Contained Breathing Apparatus (SCBA)
- Officers will make the determination of when to "air up;" however, when entering an IDLH environment, all officers shall have PPE's fully donned and be on supplied air

Full protective clothing shall be worn at all times and by all officers when operating in or around any fire scene or fire ground. In specific situations for which no guidelines have been provided, the proper protective clothing to protect against all foreseeable hazards shall be worn. The National Fire Protection Association (NFPA) 1500 Standard on Fire Department Occupational Safety and Health Program requires the use of PPE at fire scenes.

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454.6 OPERATIONS

When responding to all marine related fire calls and emergency responses, Harbor Police personnel shall adhere to Standard Operating Procedure 461 - Emergency Vessel Operations.

[See attachment: Marina Fire SOG Draft 2015x \(2\).pdf](#)

454.6.1 TWO IN TWO OUT PROTOCOL

The National Fire Protection Association (NFPA) regulation 1500, section 6-4.4, states that a minimum of four people are required to engage in fire fighting activities involving the entry into immediately dangerous to life and health (IDLH) environments. This allows for two fire fighters to engage the fire (in) while a second team is nearby, in a safe area, ready to assist or rescue the first team (out). For example, entering a burning vessel to conduct fire fighting operations or boarding a burning vessel where there is a reasonable likelihood of injury. The 2-in 2-out protocol should also be considered during overhaul operations, due to the likelihood of falling through a deck.

Exception: The 2-in 2-out protocol can be disregarded in cases where there is an immediate need to rescue a downed firefighter or there is confirmation, whether visual or audible, that there is a living victim inside the burning structure.

454.6.2 SUPERVISORY ROLES AND RESPONSIBILITIES AT MARINE FIRE SCENES

- (a) The Harbor Police Department (HPD) on duty supervisor shall respond to all calls for service involving marine fires within Harbor Police jurisdiction. When responding to any joint fire fighting operation, the on duty HPD supervisor shall follow Incident Command System (ICS) protocol and report to the Incident Command Post (ICP), or establish the ICP as necessary.
- (b) In all cases where HPD falls under the member city fire agency's command, an HPD supervisor will act as a liaison for the on scene Incident Commander. Note: The HPD supervisor is ultimately responsible for monitoring the situation and ensuring the safety of HPD personnel.
- (c) The on scene supervisor shall maintain awareness of the condition of each firefighter operating within their span of control and ensure that adequate steps are taken to provide for each member's safety and health. The supervisor shall request relief and reassignment of fatigued crews as deemed necessary, as well ensure that proper rehabilitation efforts are under way for fatigued officers.

454.6.3 REPORTING

- (a) **Fire Report:** At all valid fire calls a fire report (UPD 669) shall be completed.
- (b) **Environmental Report:** If the fire occurs on the water, or has an impact on water quality, such as fuel spills, burned debris in the water, etc., an environmental pollution report shall be completed following the guidelines detailed in Standard Operating Procedure 413.

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- (c) **Vessel Accident:** A vessel accident (DBW VAR-1) form shall be completed if necessary, in accordance with the criteria set forth in Standard Operating Procedure 463 - Vessel Accident Investigations.
 - 1. If the fire was started from the shore / dock ONLY and spreads to a vessel. Vessel(s) that have been involved in this type of fire will generally not require a vessel collision report. In those instances, a Fire Report (UPD 669) will be completed, unless otherwise directed by the Watch Commander or on-duty field supervisor.
 - 2. NOTE: If a fire was started onboard a vessel due to a mechanical problem, IE: electrical, fuel etc., a VCI shall respond to conduct the investigation. If a VCI is unavailable then any officer may be dispatched to investigate and complete all required paperwork.
- (d) **Arson:** If arson is suspected the reporting officer shall contact M.A.S.T. and complete the necessary reporting requirements.

454.7 EQUIPMENT

All fire fighting and vessel equipment shall be inspected for excessive wear and defects during each shift prior to getting underway. Vessel crews are responsible for ensuring that all necessary equipment & supplies are onboard the vessel prior to getting underway. Each vessel is equipped with an inventory list to help crews complete this task.

- (a) **Fire Hose and Nozzles:** Fire hose shall be Hydro-tested annually. Testing shall be in accordance with the rules and guidelines set forth in NFPA 1962. Members of the Fire Training Unit shall conduct annual hydro testing. During the routine inspection/inventory of equipment officers shall look for excessive hose wear, couplings that are cracked, or do not move easily. Nozzles shall be checked for cracks and ensure the bail and GPM selection ring operate smoothly.
- (b) **SCBA:** All SCBA's shall be flow tested two times per year. Testing shall be done in accordance with the rules and guidelines set forth in NFPA 1981. Testing shall be completed by a trained and certified facility. During the routine inspection/inventory of equipment officers shall look for broken straps, broken buckles, worn or nicked hoses, broken or non-functional gauges, or anything else that would impede the functionality of the SCBA. Officers shall check the Personal Alert Safety System (PASS device) for functionality and ensure that the manual and automatic activation are working properly.
- (c) **SCBA Cylinders:** All SCBA cylinders shall be Hydro tested every 5 years by a certified facility. During the routine inspection/inventory of equipment officers shall ensure that the SCBA cylinders have at least 3500psi. In addition the SCBA cylinders shall be checked for damage to the walls of the cylinder, stem, and valve gauge assembly.
- (d) **PPE's:** Officer shall inspect their PPE's for serviceability prior to getting underway on a vessel. If PPE's become soiled due to a fire or from other use, officers shall wash

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and dry PPE's utilizing departmental washer/dryer only. If PPE's need replacement or repair see any Fire Training Team member. PPE's must be inspected by a fire team member after laundering and prior to being placed back into service.

- (e) **SCBA Fill Station:** Certified personnel shall inspect the SCBA fill station 4 times per year, at which time the air filter shall be replaced. Only trained personnel shall fill SCBA bottles at the fill station. The training shall consist of a 30-minute training session with either the Fire Training Coordinator or Dive-master. This training shall be documented in the employees training file

454.8 TRAINING

The Harbor Police Department shall provide fire training and education for all personnel that could be involved in marine firefighting operations that are commensurate with the duties and functions that they are expected to perform.

454.8.1 FIRE TRAINING TEAM

- (a) Fire team members shall assist with squad based training on a quarterly basis.
- (b) Team members shall attend all scheduled meetings and training unless the FTC approves absence.
- (c) Team members shall assist with basic and refresher classes if requested to do so.
- (d) Selected team members shall complete Fire Instructor 1A & 1B. Generally this will occur within one year of appointment, depending upon class availability.
- (e) If selected by the FTC to develop a curriculum for a training course, team member shall complete the class within the allotted time frame to the standards of the State Fire Marshall.

Boat Operator Qualifications

456.1 PURPOSE AND SCOPE

To establish the minimum requirements and process to receive certification as a Harbor Police Firestorm Operator.

456.2 PROCEDURE

To qualify for recognition as a competent Harbor Police Firestorm Operator, the following requirements must be successfully completed:

- (a) First year's probation
- (b) Harbor Police Boat Operation course
- (c) Harbor Police marine fire fighting training
- (d) Harbor Police vessel operator written examination (80% passing)
- (e) 2 Firestorm Instructors/Sergeant administered boat handling practical examination
- (f) 40 hours with a Firestorm Instructor on a Harbor Police Firestorm vessel

Recognition as a Harbor Police Firestorm Operator is not intended to correlate to any compensation level (pay step). It is designed to recognize a work performance level and is available to any compensation level within the Harbor Police Department.

Lack of certification as a Harbor Police Firestorm Operator does not relieve the employee of the duty to ensure the patrol vessel is operated in a safe manner. Crew persons shall be responsible for acting as a lookout for the operator while underway.

456.2.1 STAFFING

Generally, a Harbor Police vessel crew will include at least one member who is a certified Boat Operator. In exigent circumstances, the supervisor can waive the Boat Operator requirement and assign a crew by making best use of the experience levels of the available staff.

456.3 UNIFORM IDENTIFICATION INSIGNIA

The uniform identification insignia of a Harbor Police Firestorm Operator will be the Firestorm Vessel Operator Pin. It will be worn on the lower left corner of the right uniform shirt pocket flap.

Foot Pursuits

457.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

457.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

457.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.

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- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

457.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.

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- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

457.4 RESPONSIBILITIES IN FOOT PURSUITS

457.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

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457.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

457.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

457.4.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

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

457.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.

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- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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.

Routine Vessel Operations

458.1 PURPOSE AND SCOPE

The purpose of this department instruction is to provide guidelines for the routine, daily operation and maintenance of Harbor Police vessels.

458.2 PROCEDURE

All Harbor Police personnel operating Harbor Police vessels in the course and scope of their employment will operate in accordance with all laws and ordinances regulating the operation of vessels.

458.3 VESSEL INSPECTIONS

All department vessels will be inspected for defects and missing/damaged equipment by the operator and crew each shift prior to getting underway.

458.3.1 REPORTING DEFECTS

Defects discovered during vessel inspections will be reported verbally to the patrol supervisor, who will determine if the vessel may still be used in service.

458.4 VESSEL WASHING AND CLEANING

- (a) Vessels will be maintained with a general appearance of cleanliness.
- (b) Vessels which become dirty or stained due to an operational assignment during any watch will be washed and cleaned by the operator and crew of that watch, as soon as practically possible following the assignment. This includes "scuff" or "hash" marks on the hull.

458.5 VESSEL FUELING

- (a) Fueling Harbor Police vessels will normally be the responsibility of the day watch.
- (b) During any watch, when the fuel gauge of an in-service Harbor Police vessel reads 1/2 tank, and a marine fuel station is open, the vessel will be fueled by the operator and crew of the vessel.
- (c) During seasons when the open hours of marine fuel stations are reduced, the evening watch will verify the fuel levels of all Harbor Police vessels and "top off" those vessels which may require additional fuel to remain in-service through the entire night.

458.6 GETTING UNDERWAY

- (a) Harbor Police vessels will be safely maneuvered away from piers and floats in a manner which prevents damage to both the vessel and pier or float.
- (b) When safely away from the pier or float, all fenders and deck lines should be securely stowed in a manner which will not interfere with the safe operation of the vessel.

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458.6.1 USE OF PERSONAL FLOTATION DEVICES

- (a) Harbor Police sworn personnel assigned to vessel patrol are exposed to circumstances, on a daily basis, which could result in falling overboard. In an effort to increase officer safety and prevent a potential critical incident, a personal flotation device (PFD) is issued to each officer. A PFD provides flotation to help keep one's head above water, to help one to stay face up in the water, and to increase one's chances for survival and rescue. Each officer shall become familiar with the issued PFD and all related instructional documentation. The officer is responsible for the care and maintenance of the PFD.
- (b) Donning the PFD is required any time the vessel is underway. Officers working in the marine environment and in such a position that there may be a threat of falling in the water are encouraged to don the PFD for safety. Due regard for safety should be given to special tasks which may prevent wearing a PFD. Special tasks include but are not limited to the following: a diver wearing dive equipment, or an officer wearing fire related personal protection equipment.
- (c) A passenger riding aboard a Harbor Police vessel shall wear a PFD when underway. The vessel operator and crewperson are responsible for ensuring the passenger is immediately briefed on the use of the PFD prior to getting underway. Under exigent circumstances the requirement to immediately don the PFD is suspended until reasonable to do so.

458.6.2 CARRYING OF RAPID TACTICAL DEPLOYMENT (GO) BAG

- (a) Today's Law Enforcement Officer faces the real probability of finding themselves in a situation requiring a response to one or more heavily armed suspects. Experience has shown rapid response, proper training and equipment may dramatically decrease the scope and duration of the critical incident.
- (b) In an effort to continue to provide officers with the equipment necessary for rapid and proper response, the Harbor Police Department has created Rapid Tactical Deployment Bags of "Go Bags." These bags will be placed in each vehicle and vessel likely to respond in the event of a critical incident.
- (c) The Go Bag is a black, numbered bag containing: two (2) PMAG Magpul M-4 magazines containing 60 rounds of 5.56 duty ammunition (30 rounds per mag), two (2) Glock magazines containing 30 rounds of .40 duty ammunition (15 rounds per mag), and one (1) Rapid Response Pack (trauma kit). Each Go Bag is sealed with a plastic, serialized lock to ensure each officer may quickly determine the kit is intact before use.
- (d) Every on-duty officer shall inspect their vehicle (marked and unmarked) Go Bag prior to going in service. The officer will ensure the Go Bag is present and the plastic lock is intact.
- (e) Any officer who discovers the Go Bag is missing, unsealed, or not serviceable must immediately notify a member of the Weapons Training Unit (WTU) and the officer's supervisor.

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458.7 UNDERWAY

When underway, vessels will be operated in a manner which avoids and/or prevents damage to the Harbor Police vessel or the property of other persons.

- (a) Throttle Advance or Decrease: Changing the speed of a vessel will be accomplished by a slow, "step" advance or decrease of the throttles. Speed is changed in this manner to ease the build up of stress and strain on the vessel's machinery.
- (b) Engaging or Changing Transmission Gears: Engaging or changing transmission gears will be performed only when the engine is at an idle R.P.M. level.
- (c) Close Quarters Maneuvering: When maneuvering in close quarters, engine power will be used cautiously and "throttle jockeying" will be kept to a minimum.
- (d) Shoal or Shallow Waters: Harbor Police vessels will not be maneuvered across shoal waters or into shallow waters unless an emergency situation exists.
- (e) Wake Height:
 - 1. The operator and crew of a Harbor Police vessel will continually monitor the height of the vessel's wake.
 - 2. A "flat" wake will be maintained when operating in close proximity to other berthed vessels.
 - 3. Wake height at all times will be kept at a level which will not damage the property of other persons.
- (f) The batteries of Harbor Police vessels will not be used with "jumper cables" to start other vessels with electrical difficulties.

458.7.1 IN-SERVICE, NOT UNDERWAY VESSEL

If during the course of patrol duties, the operator and crew must secure a Harbor Police vessel to a pier or float and leave it unattended, the following procedures will be followed:

- (a) The vessel should not be left in a location where it is vulnerable to vandalism, theft or the potential to be "cast adrift."
- (b) The vessel should not be left for a period of time longer than necessary to perform the required duties.
- (c) The vessel should not be left at a privately owned facility if a publicly owned facility is reasonably nearby and available.
- (d) Officers' personal equipment storage bags and easily stolen Harbor Police equipment will be stowed below decks with the "Lion Cage" gate installed and locked or the cabin door(s) locked as appropriate.
- (e) Firearms, batons, mace or any other weapon will not be left unsecured/on the deck of the vessel.

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- (f) Hatches will be closed with isinglass or canvas covers if the vessel is so equipped.

458.8 SECURING VESSEL FROM DUTY

After landing a Harbor Police vessel in its assigned berth and before leaving it for the next watch, the operator and crew will:

- (a) Insure the vessel's fenders and deck lines are properly set to protect the vessel from the existing tide and weather conditions.
- (b) Secure (turn off) all electrical systems in the proper manner to preserve the battery charge level and prolong the useful life expectancy of all onboard electrical equipment.
- (c) Secure (connect and turn on) the electrical service cord from the Harbor Police float.
- (d) Clean and stow any emergency or fire fighting equipment used during operational assignments.
- (e) Wash down with fresh water and wipe off the decks, hardware, isinglass and any other equipment exposed to seawater and spray.
- (f) Remove all trash and debris from the vessel.
- (g) Close the vessel's canvas canopy and cockpit area to protect it from weather elements.
- (h) Lock the "Lion Cage" in place or lock all cabin doors.
- (i) Report verbally to the patrol supervisor any damage to the vessel or its equipment that occurred during the watch for evaluation.

Emergency Vessel Operations

460.1 PURPOSE AND SCOPE

The purpose of this standard operating procedure is to provide guidelines for the operation of Harbor Police vessels during emergency responses.

460.2 DEFINITION

- (a) Emergency Response (Code 3): Operating a Harbor Police vessel using the activated overhead blue light and sounding the siren, during any of the following conditions:
 - 1. When responding to a radio call or other notification of an immediate, human life threatening emergency
 - 2. When in pursuit of an actual or suspected law violator
 - 3. When necessary to facilitate an immediate response to the request of another officer for urgent assistance

460.3 PROCEDURE

- (a) Only Harbor Police vessels equipped with an overhead blue light, and sounding a siren as reasonably required, will enter into an emergency response.
- (b) All Harbor Police personnel aboard Harbor Police vessels in an emergency response will operate the vessel in accordance with all laws and ordinances regulating the operation of vessels. Specific laws and ordinances include, but not are limited to those regarding:
 - 1. Rules of the road
 - 2. Safe operation
 - 3. Reckless and/or negligent operation

460.3.1 BACKGROUND

- (a) 652.5 Harbors and Navigation Code:
 - 1. The use of a distinctive blue light...is reserved for law enforcement vessels and may be displayed during the day or night whenever the vessel may be engaged in direct law enforcement activities, where identification of a law enforcement vessel is desirable or where necessary for safety reasons.
 - 2. That light shall be used in addition to prescribed lights and day signals required by law.
 - 3. The display of such blue lights on vessels for other purposes is prohibited.
 - 4. Any vessel approaching, overtaking, being approached, or being overtaken by a moving law enforcement vessel operating with a siren or an illuminated blue

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light, or any vessel approaching a stationary law enforcement vessel displaying an illuminated blue light, shall immediately slow to a speed sufficient to maintain steerage only, shall alter its course, within its ability, so as not to inhibit or interfere with the operation of the law enforcement vessel, and shall proceed, unless otherwise directed by the operator of the law enforcement vessel, at the reduced speed until beyond the area of operation of the law enforcement vessel.

460.4 BOAT OPERATOR AND CREW RESPONSIBILITIES

- (a) Harbor Police marine units desiring to initiate an emergency response must request, and receive, approval from the Watch Commander prior to implementing the emergency response.
- (b) An emergency response, approved by the Patrol Supervisor or Watch Commander, will be immediately acknowledged.
- (c) Harbor Police marine units receiving an emergency response call will:
 - 1. Advise dispatch of the location from which the response is beginning.
 - 2. Maintain self-control and exercise good judgment.
 - 3. Operate the Harbor Police vessel in anticipation of other boating traffic.
 - 4. Continually monitor the wake of the Harbor Police vessel and reduce the speed of the response, if required, to lower the height of the wake to a level which will not damage the property of other persons.
 - 5. Terminate the emergency response when justified by the interests of public safety.

460.5 SUPERVISOR RESPONSIBILITIES

- (a) The Watch Commander, or a supervisor, may authorize an emergency response to any incident, to which they are responding or monitoring.
- (b) The Watch Commander, and all supervisors, will exercise control of an emergency response in order to evaluate and limit the number of required field and marine units.
- (c) The Watch Commander, and all supervisors, will terminate the emergency response when justified by the interests of public safety.

Automated License Plate Readers (ALPRs)

461.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Port of San Diego Harbor Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

461.2 ADMINISTRATION

All installation and maintenance of ALPR equipment shall be managed by the Investigations Lieutenant. The Investigations Lieutenant will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

461.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.
- (g) Community Service Officer's shall only operate the ALPR systems specifically assigned to them for the specific purpose of enforcing parking regulations.

461.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of law enforcement personnel and because such data may contain confidential CLETS information, it is not open to public review.

- (a) As a participating agency in the San Diego County Regional ALPR program, all data collected by sworn staff in conjunction with routine patrol operations, criminal

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Automated License Plate Readers (ALPRs)

investigations, or from static mounted Harbor Police ALPR's shall be transferred to the county ARJIS server as per county protocols. Additionally, all data will be retained as per the county policy for ALPR data retention. If any of the collected ALPR data has become, or it is reasonable to believe that it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records, the data should be downloaded from the server onto portable media and booked into evidence by the investigating office(s). Data collected from Harbor Police ALPR systems on the service providers cloud storage will be stored for no more that 365 days.

- (b) Data collected by Community Service Officers for the purpose of enforcing parking regulations/laws shall be maintained on the Port District controlled cloud-based server that is hosted by the service provider. This information will be stored per the most current Criminal Justice Information System (CJIS) standards. License plate information collected for this purpose will be stored for no longer than **30** days.

461.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Port of San Diego Harbor Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

Vessel Accident Investigations

462.1 PURPOSE AND SCOPE

This policy provides Harbor Police personnel with basic response guidelines and investigative procedures when dealing with a vessel accident that results in property damage, injury, or a fatality.

462.2 DEFINITIONS

- (a) **Boating Accident:** A boating accident is defined as a collision, accident or other casualty involving a vessel as defined in section 651 of the Harbors and Navigation Code. A vessel is considered to be involved in a boating accident whenever the occurrence results in:
 - 1. Damage by or to the vessel or its equipment
 - 2. An injury or loss of life to any person
 - 3. The disappearance of any person aboard under circumstances that indicate the possibility of death or injury
- (b) **Vessel Collision Investigator (VCI):** A Vessel Collision Investigator in this SOP is one who has attended the Department of Boating and Waterways (DBW) or the National Association of State Boating Law Administrators (NASBLA) collision course or any other advanced, Department approved vessel collision course as determined by the Vessel Accident Investigation Unit supervisor. A VCI is subject to the standard "call-in" procedures.
- (c) **Minor Property Damage Only:** A "minor property damage only" collision is one in which there is only property damage to vessels and/or other property and the damage is likely to be less than \$500.00. Any complaint of pain or injury would preclude the collision from being considered "property damage only."
- (d) **Serious Property Damage Only:** A "serious property damage only" collision is one in which there is only property damage to vessels and/or other property and the damage is likely to be greater than \$500.00. Any complaint of pain or injury would preclude the collision from being considered "property damage only."
- (e) **Minor Injury Collision:** A "minor injury" collision is one in which any of the parties involved have an injury or complaint of pain, regardless how minor the injury seems to the investigating officer. The extent of property damage incurred will not be considered. If there is any complaint of pain or injury it is to be considered a minor injury collision.
- (f) **Serious Injury or Felony Prosecution Collision:** A "serious injury" or "felony prosecution case" (i.e. BUI or Hit and Run) collision is one where the injuries sustained by an involved party require extensive medical attention or hospitalization for other than observation.

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462.3 INVESTIGATION PROCEDURES

462.3.1 MINOR PROPERTY DAMAGE COLLISIONS

- (a) Officers responding shall advise persons involved in the collision of the proper method of exchanging names and information. Officers may fill out or provide the operator of the vessel(s) with the California Department of Boating and Waterways accident form A-1. If the citizen insists that a report be taken, the officer shall complete a Vessel Collision Report (DBW form VAR-1).
- (b) Any sworn officer of the Harbor Police Department may complete a vessel accident report for a minor property damage report as defined in this policy.
- (c) Officers will not investigate "minor property damage" collisions occurring in a private marina/dock unless directed to do so by a supervisor.

462.3.2 SERIOUS PROPERTY DAMAGE COLLISIONS

- (a) Any officer responding to a "serious property damage only" collision may conduct an investigation and complete a vessel accident report (DBW VAR-1).
- (b) If information is exchanged between parties, the responding officer does not need to conduct an investigation unless requested by the operator. The officer shall inform the operators of the involved vessels to submit the paperwork required per 656 H&N, DBW form BAR-1 (1/00), which is located in the "ABC's of the California Boating Law" booklet published by the United States Coast Guard (USCG).
- (c) If criminal charges may be filed it is preferable that a VCI is utilized or called in. If one cannot be located, any officer may complete the necessary reports.

462.3.3 MINOR INJURY COLLISIONS

- (a) It is preferable that a Harbor Police VCI investigates minor injury collisions. If there is not a Harbor Police VCI on duty at the time of the collision, the Watch Commander can utilize the call-in procedure to have one (or two if needed) respond. If a VCI cannot be located, any officer may conduct the investigation and complete all necessary reports.
- (b) The officer shall inform the operators of the involved vessels to submit the paperwork required per 656 H&N, DBW form BAR-1 (1/00), located in the "ABC's of the California Boating Law" booklet published by the USCG.

462.3.4 SERIOUS INJURY OR FELONY PROSECUTION COLLISIONS

- (a) Any on-duty Harbor Police officer who has been trained as a VCI by the DBW or NASBLA will proceed to the scene of the accident or to a safe location as determined to be necessary by the circumstances of the accident and conduct the investigation. The VCI will be responsible for completing all necessary reports.

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- (b) If there is not any designated VCI available at the time of the incident, the Watch Commander may call in a VCI using standard call-in procedures. If a VCI cannot be located, then the on-duty supervisor shall dispatch an officer to conduct the investigation until a VCI can be located to assist and or take over the investigation. The officer shall inform the operators of the involved vessels to submit the paperwork required per 656 H&N, DBW form, BAR-1 (1/00), located in the "ABC's of the California Boating Law" booklet published by the USCG.
- (c) In cases where felony prosecution is desired and the suspect's vessel will be required for evidence examination, the suspect's vessel will be stored at the Harbor Police long dock / Shelter Island. The vessel will be inventoried and secured at the direction of the on-duty supervisor with regard to evidence preservation/collection procedures.
- (d) In cases where a boating fatality occurs or where a disappearance is suspected, the Harbor Police dispatcher will notify by the quickest means available the Department of Boating and Waterways personnel per 656 H&N 6503, Title 14, C.C.R., at (916) 263-8190. See Appendix A-1.1 in the Department of Boating and Waterways accident manual for reporting requirements.

462.3.5 PORT DISTRICT PROPERTY DAMAGE

- (a) Whenever there is a collision resulting in damage to Port District property, regardless of the amount of damage, a Damage to Port Property report (UPD 667) will be completed by the responding officer. Officers should remember that additional reports may be required.
- (b) Collisions involving Port District vessels (Other Than Harbor Police vessels): All collisions involving Port District vessels will be investigated by the Harbor Police Department.
- (c) When the dispatcher is advised of a collision involving a Port District vessel, they will advise the operator of the District vessel not to move the vessel from the scene (if possible) pending the arrival of the Harbor Police. If criminal charges may be filed, a VCI should be called in. If one cannot be located, any officer may complete the necessary reports.
- (d) Collisions involving Harbor Police vessels: All collisions involving Harbor Police vessels will be investigated by a Harbor Police Department VCI. If one is not on duty, then one will be called in.

462.3.6 OTHER TYPES OF COLLISIONS

- (a) Vessel collisions occurring between Naval ships, cruise ships, commercial ships and pleasure craft within the jurisdiction of the Harbor Police will be investigated and a vessel collision report should be completed. All efforts to identify the parties involved in the collision and the nature/cause of the collision should be addressed.

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- (b) An on duty, trained VCI shall respond to conduct the investigation, or the call-in procedures may be utilized. If a VCI cannot be located, then the on-duty supervisor shall dispatch an officer to conduct the investigation until a VCI can be located to assist and/or take over the investigation. The officer shall inform the operators of the involved vessels to submit the paperwork required per 656 H&N, DBW form, BAR-1 (1/00), located in the "ABC's of the California Boating Law" booklet published by the USCG.
- (c) The Harbor Police will generally not investigate collisions that have taken place outside the jurisdiction of the Harbor Police Department. Persons requesting collision reports under these circumstances should be referred to the appropriate agency having authority in the particular jurisdiction where the collision occurred.
- (d) The following types of "collisions" will generally not require a vessel collision report:
 - 1. **Racing Vessels:** Vessels that are uniquely designed for racing that are involved in a collision while participating in an organized/sanctioned race, or during warm-up for the event, will generally not require an investigation of a boating accident nor require a vessel collision report. Operators should be referred to the racing event chairman and organizers, or the USCG. In cases where injury has occurred, a vessel collision report may be necessary.
 - 2. **Special Design Vessels:** Vessels that are by their nature expressly designed for capsizing or overturning (i.e. sabots, kayaks, sailboards etc.), where no extenuating circumstances exist and no injuries/damage have occurred, will generally not require a vessel collision report.
 - 3. **Vessel Fires:** If the fire was started from the shore / dock ONLY and spreads to a vessel, generally a vessel collision report will not be required. In those instances, a fire report (UPD 669) will be completed, unless otherwise directed by the Watch Commander or on-duty field supervisor. NOTE: If a fire was started onboard a vessel due to a mechanical problem (i.e. electrical, fuel etc.), a VCI shall respond to conduct the investigation. If a VCI is unavailable, any officer may be dispatched to investigate and complete all required paperwork.
 - 4. **Storm Damage:** Unoccupied vessels at anchor/moored that are damaged as a result of weather conditions are generally not reportable as vessel collisions. In those instances, Harbor Police personnel may complete an Arjis-9 regarding the circumstances, but are not required to complete a vessel collision report. If a damaged vessel has an operator/passenger aboard, then an investigation will be conducted and a vessel collision report may be completed.
 - 5. **Collisions Involving Large Mammals:** Vessel collisions involving large mammals (i.e. whales, sea lions, or seals) shall be investigated and reported on a vessel collision report, if necessary.

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462.3.7 HIT AND RUN COLLISIONS

- (a) Officers conducting a hit-and-run investigation shall complete a vessel collision report and a hit-and-run supplemental report.
- (b) If the collision occurred outside the jurisdiction of the Harbor Police and one of the vessels involved in the collision reports the incident within Harbor Police jurisdiction, then an investigation will be conducted and a vessel collision/hit-and-run report will be completed.

462.4 SINGLE PARTY, AFTER-THE FACT, AND REMOVED FROM THE SCENE COLLISION REPORTING

- (a) In those cases where no physical scene exists and reliance upon only one involved party is necessary for fact gathering, officers should point out to the reporting person that, due to its subjective nature, the proposed report would be strictly for insurance purposes. If the party is insistent that a report be completed, one should be completed. A report shall always be completed where the party claims injury.
- (b) If a report is completed, it should contain all information available. In the "special conditions" box enter "Late report-investigation not at scene." The party making the report will always be listed as "Party 1" on the report. The officer making the report shall write "Counter Report- NO FAULT IMPLIED" across the top of the report form. In addition, it should be reflected in the narrative of the report that the report was not made at the scene and is based on information from only one party.

462.5 REPORTING CONFLICTS

When the Harbor Police Department completes an investigation and submits a report, the involved citizen(s) may not agree with the results of the investigating officer's findings. In such cases, the citizen's concerns shall be recorded on an officer's report (Arjis-9). The officer's report shall be processed through the Records Division and will have the same DR number as the original investigation report.

462.6 ARRESTS AND CITATIONS

- (a) **Arrests:** Physical arrests shall be made in all misdemeanor and felony cases of Boating Under the Influence (BUI) or in all other felony cases.
- (b) **Notice to Appear Citations:** A Notice to Appear citation may be issued to an operator of a vessel where the violation has occurred in the officer's presence.

462.7 NOTIFY WARRANTS

- (a) Notify Warrants may be requested in those situations where the investigating officer did not observe the violation and immediate arrest is not feasible or legal, but where the violation is of such a nature that prosecution should be pursued.

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- (b) An arrest report may be used to request Notify Warrants. Evidence used as a basis for this request, such as third party witness reports, physical evidence, etc., should be included in this report.

Homeless Persons

463.1 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 Port of San Diego Harbor Police Department recognizes that members of the homeless community are often in need of special protection and services. The Port of San Diego Harbor 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.

463.1.1 POLICY

It is the policy of the Port of San Diego Harbor 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.

463.2 HOMELESS COMMUNITY LIAISON

The Chief of Harbor Police will designate a member of this department to act as the Homeless Liaison Officer. 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) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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463.3 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.

463.3.1 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.

463.4 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.

When an officer comes upon unattended personal property on Port Tidelands they may mark the items with a 72-hour notice for removal. The officer will then send a notice of the property to the e-mail list "abandoned property team" on department e-mail. This will notify the Homeless Liaison Officer, Watch Commanders, and General Services to remove the property after the 72 hours have elapsed.

463.5 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.

463.6 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.

Vessel Pursuits and Stops

464.1 PURPOSE AND SCOPE

The purpose of this standard operating procedure is to provide guidelines for vessel pursuit and vessel stop safety practices.

It is the position of the Harbor Police Department that law violators be apprehended whenever it is feasible under the existing conditions. It is not expected, however, that a vessel be pursued to the point where the well-being of officers, suspects, other persons, or property are placed in jeopardy.

464.2 DEFINITION

- (a) **Vessel Pursuit:** An event involving one or more law enforcement officers, attempting to apprehend a suspect operating a vessel, who is trying to avoid arrest by using high speed or other evasive tactics.
- (b) **Slow Speed Pursuit:** Keeping a suspect vessel in view from a reasonable distance and not attempting to overtake it until other assisting units are in position to close off escape routes. The objective of this type of pursuit is to apprehend violators while preventing wake damage to property and injuries to the boating public.

464.2.1 BACKGROUND

- (a) 652.5(d) Harbors and Navigation Code: Any vessel...being approached, or being overtaken by a moving law enforcement vessel operating with a siren or an illuminated blue light...shall immediately slow to a speed sufficient to maintain steerage only...unless otherwise directed by the operator of the law enforcement vessel.
- (b) 663 Harbors and Navigation Code: Every peace officer...shall have the authority to stop and board any vessel subject to this chapter, where the peace officer has probable cause to believe that a violation of state law or regulations or local ordinance exists.
- (c) 663.6 Harbors and Navigation Code: Every vessel...if...ordered to stop and lie to by a peace officer or harbor policeman...who is either in a uniform...or in a vessel that is distinctively marked as belonging to...the Harbor Police, shall stop immediately and lie to, or...permit the Harbor Police vessel to come alongside.

464.3 INSTRUCTION

All sworn personnel operating a Harbor Police vessel during a pursuit will:

- (a) Utilize a "slow speed pursuit" practice whenever possible.
- (b) Continually monitor the wake of the Harbor Police vessel, and reduce the speed of pursuit, if required, to lower the height of the wake to a level which will prevent injuries to any person, and damage to any property.

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464.3.1 INITIATING A PURSUIT

- (a) While initiating an enforcement action, an officer may initiate a pursuit when a vessel fails to yield to a police vessel operating with an emergency blue light and siren activated.
- (b) Only Harbor Police vessels equipped with an operational, activated emergency blue light and sounding a siren as reasonably required will be used in a vessel pursuit.
- (c) Uninvolved Harbor Police units will remain alert to the location of the pursuit, but will not join the pursuit unless authorized by a supervisor or the Watch Commander.

464.3.2 PURSUING OFFICER'S RESPONSIBILITY

- (a) The initiating pursuit unit shall state on the radio specific information identifying the pursued vessel, what violation is reasonably believed to have occurred, suspect(s) information, direction of pursuit, and any other factors necessary to ensure officer safety and effective pursuit tactics.
- (b) Officers involved in a vessel pursuit have the responsibility to terminate the pursuit when the existing conditions do not support a safe pursuit.
- (c) Officers ordered to terminate the pursuit will discontinue Code 3 operation immediately and acknowledge the order on the radio.

464.3.3 ASSISTING UNITS

- (a) Only units assigned by a supervisor or the Watch Commander will join a vessel pursuit.
- (b) Assisting units are responsible for back-up and immediate cover for the pursuing unit.
- (c) Assisting marine units will operate with emergency lights activated and sound a siren as reasonably required.
- (d) Assisting units will be prepared to:
 - 1. Become the primary pursuit unit if the original pursuing vessel loses sight of the suspect vessel or becomes disabled.
 - 2. Notify dispatch when assuming the role of primary pursuit unit.
 - 3. Take up strategic positions when the suspect vessel is stopped.
- (e) Assisting units should not pass the primary pursuit unit or other assisting units unless directed to do so by the primary pursuit unit or by a supervisor who is in a position to effectively monitor the progress of the pursuit.

464.3.4 TERMINATING THE PURSUIT

- (a) The primary pursuit unit may continue a pursuit if it is reasonably safe to do so, or until ordered to terminate the pursuit by the supervisor or Watch Commander.

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- (b) Officers should constantly evaluate whether the seriousness of the offense outweighs the risk to public safety in continuing the pursuit. The following factors will be considered:
 - 1. Vessel traffic, time of day, weather and surface conditions
 - 2. Violation for which the suspect vessel is being pursued
 - 3. Suspect is known to be a juvenile
 - 4. Suspect(s) have been identified and apprehension can be accomplished at a later time
- (c) Pursuing units ordered to terminate the pursuit will immediately discontinue Code 3 operation and acknowledge the order on the radio.

464.3.5 SHOOTING AT PURSUED VESSELS

Shooting at or from moving vessels is prohibited, except when immediately necessary to protect persons from death or serious bodily injury.

464.3.6 RAMMING

Harbor Police vessels will not be used to ram or forcefully impact suspect vessels in any pursuit.

464.3.7 PROPELLER AND RUDDER PRECAUTIONS

When in pursuit of a suspect vessel, officers will remain conscious of the possibility of an attempt by the suspect vessel to disable Harbor Police vessels. The suspect vessel may "troll" lines or other objects in an effort to "foul" the propellers or rudders of Harbor Police vessels. The safe distance from which to pursue the suspect vessel should be continuously evaluated.

464.3.8 EVIDENCE THROWN OVERBOARD FROM SUSPECT VESSEL

A pursued suspect vessel may attempt to destroy evidence by throwing it overboard during the pursuit. Officers should note the location on a chart or Global Positioning System (GPS) to aid in the attempt to recover the evidence.

464.4 SUPERVISORY RESPONSIBILITY

Upon notification of a pursuit in progress, the supervisor should verify the following:

- (a) Ensure no more units than necessary are involved. The primary pursuit and first assisting units are usually sufficient for the actual pursuit. Additional assisting units may be added to the pursuit only upon the approval of the supervisor or Watch Commander.
- (b) Factors to be considered by the supervisor and Watch Commander include:
 - 1. The number and type of vessels being pursued
 - 2. The seriousness of the offense reasonably believed to underlie the pursuit

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3. The danger which the occupants of the vessel(s) being pursued continue to pose to others
- (c) When more than two units are directed to participate in a pursuit, the supervisor or Watch Commander will direct the additional assisting units to discontinue the pursuit as soon as reasonably possible, based upon tactical requirements and safety considerations.
- (d) All supervisors and the Watch Commander have the authority to terminate a pursuit when the potential safety risks outweigh the need for apprehension.

464.5 JOINT AGENCY PURSUITS

- (a) The initiating agency will generally retain jurisdiction and remain responsible for a pursuit in progress, even though it enters the jurisdiction of the Port.
- (b) Harbor Police units will not join in an active pursuit initiated by another agency unless specifically requested and then only with the approval of their supervisor or the Watch Commander.
- (c) Other agencies' communication centers will be promptly notified of any pursuit entering their jurisdiction, but such notification does not constitute a request for assistance.
- (d) The primary pursuit unit or the Harbor Police supervisor will be responsible for determining if assistance is needed from another agency and the extent of the assistance needed.
- (e) The supervisor will promptly direct pursuit assistance requests to the respective agency. Pursuing units will consider relinquishing the pursuit to that agency when it's units are in position.
 1. If the primary pursuit unit wishes to relinquish the pursuit to another agency, the agency must be willing to accept it. Such acknowledgement will be announced on the radio frequency in use.
 2. If the pursuit is actually turned over to another agency, the initiating pursuit unit will completely abandon the pursuit, but will remain available to coordinate the arrest when the vessel is stopped.
- (f) When a pursuit enters another law enforcement jurisdiction (including military facilities), Harbor Police units will immediately terminate the pursuit when requested by that agency.

464.6 AIRCRAFT ASSISTANCE

- (a) Harbor Police units involved in a vessel pursuit may request available aircraft assistance from the San Diego Police Department or the San Diego County Sheriff's Department.

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- (b) Assigned aircraft will assist the primary pursuit unit by following the suspect vessel and relaying information.
- (c) When the suspect vessel has stopped, marine or vehicle units will carry out the actual apprehension.

464.7 VESSEL STOP SAFETY PRACTICES

When the pursued vessel is stopped, the following safety practices will be followed:

- (a) The suspect vessel will be circled and observed for persons aboard by the Harbor Police vessel(s) from a safe distance.
- (b) All persons on board the suspect vessel will be ordered, using the P.A. system, to the stern of the vessel.
- (c) All persons onboard the suspect vessel will be ordered to the deck.
- (d) If the stop occurs at night, the suspect vessel will be illuminated with all Harbor Police light sources and, regardless of what daylight conditions exist, a second observation of the suspect vessel for persons aboard will be made.
- (e) If the stop occurs at night, the operator of the Harbor Police vessel should attempt to position the Harbor Police vessel in a location where it will not be silhouetted by background shore lights.
- (f) Prior to boarding a suspect vessel to take persons into custody, if reasonably possible, a second Harbor Police vessel should be at the scene. The crew of both Harbor Police vessels should then board the suspect vessel together.
- (g) Officers boarding a suspect vessel should remain mindful of the line of fire of the operator/cover officers remaining aboard Harbor Police vessels. Officers should board the suspect vessel from a location which best utilizes the safety of the available operator/cover officers.
- (h) Immediately upon boarding a suspect vessel, Harbor Police officers should make a systematic search of the vessel for hidden suspects. Available cover officers should be used in a manner to provide the best tactical advantage.
- (i) Upon completion of the search of the suspect vessel for hidden suspects, the boarding officer(s) will advise the operator/cover officer(s) of the result of the search.
- (j) If impound of the suspect vessel is required, it will be towed to the Harbor Police float.

Vessel Assistance

466.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for officers rendering assistance to the boating public, including towing and dewatering.

466.2 PROCEDURE

A Harbor Police vessel shall be dispatched to all calls for marine assistance and evaluate the need for service. Harbor Police officers shall render assistance in all cases where there is a threat of injury to persons on a vessel or in cases where lack of action may present a potential for a serious hazard to navigation. In cases where the circumstances do not merit towing or dewatering, officers should ensure that the safety and welfare of persons on the vessel are attended to.

Officers shall refer to this policy when determining whether towing or dewatering a vessel is necessary.

466.3 TOWING OF VESSELS

- (a) A vessel anchored in San Diego Bay will be towed only if there is an imminent danger of serious injury or loss of life, or the vessel would create a hazard to navigation.
- (b) Vessels suffering equipment failure (or that are otherwise disabled) in any shipping channel, or that are a hazard to navigation, may be towed to the nearest shoreside facility (i.e. launching ramp, public pier, repair facility, or rented slip).
- (c) Vessels that are becalmed (sailboats) or disabled, but do not present a threat of injury or a hazard to navigation shall not be towed. In such instances, the boat crew shall assist the vessel's master in obtaining commercial assistance, if desired.
- (d) In the event that a commercial towing vessel and a Harbor Police vessel arrive at the same time, the commercial towing vessel will take the tow and render assistance as necessary.
- (e) Assistance shall not be rendered to vessels moored in any anchorage, where imminent danger of injury is not present.
- (f) Vessels in marinas or boat yards will not be towed in most circumstances.

Boat crews who have determined that a vessel should be taken in tow shall obtain permission from their supervisor prior to the taking the vessel under tow, if possible. If safety considerations do not allow for the officer to obtain permission prior to the tow, the supervisor shall be advised as soon as possible by the boat crew.

466.4 DEWATERING OF VESSELS

- (a) A vessel anchored in San Diego Bay will be dewatered only if there is imminent danger of serious injury/death, or the sinking vessel would create a hazard to navigation.

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- (b) If an anchored vessel is taking on water, and a Harbor Police vessel is not going to dewater it, the Harbor Police dispatcher shall make every attempt to contact the owner to advise of the situation.
- (c) If a vessel begins to take on water while underway, the Harbor Police vessel shall make an effort to dewater the vessel.
- (d) In the event that a Harbor Police vessel and a commercial assistance vessel arrive at a scene simultaneously, the commercial assistance vessel shall conduct the dewatering operations.
- (e) In instances where a Harbor Police vessel has initiated a dewatering operation and a commercial assistance vessel arrives, the commercial assistance vessel will be permitted, if appropriate, to take over the operation, providing they are capable of completing the operation.
- (f) In all instances where a Harbor Police vessel is going to be involved in dewatering operations, the crew shall notify their supervisor prior to dewatering, if possible. If safety considerations do not allow for the officers to obtain prior permission, the supervisor shall be advised as soon as possible by the boat crew.
- (g) In no instance shall a Harbor Police vessel perform dewatering operations at marinas or boat yards.
- (h) During dewatering operations officers should use care to avoid or limit the amount of petroleum products or other hazardous materials being pumped into San Diego Bay.

466.5 REPORTING

In all instances where a Harbor Police vessel has rendered assistance to another vessel, a marine assistance report shall be completed.

Vessel Impounds and Storage

468.1 PURPOSE AND SCOPE

The purpose of this policy is to standardize the reporting procedure and process for the storage, impounding and towing of vessels.

468.2 DEFINITIONS

- (a) A **storage** is a vessel which is towed and stored for any violation of the law, where the owner may be liable for storage fees. A vessel which is stored has no conditions of release, other than proof of ownership.
- (b) An **impound** is a vessel which is towed and is held pending payment of fees due, registration identification, vehicle identification, or for the investigation of any crime. Any vessel impounded is considered a conditional release.

468.3 PROCEDURE

- (a) All vessel storages and impounds require a vessel storage report (DBW SVR-5b).
- (b) All vessels stored and impounded by the Harbor Police Department shall be inventoried. The results of the inventory shall be documented in the vessel storage report (DBW SVR-5b). If additional room is needed or more equipment exists, a vessel inventory list (UPD 654-2) may be used.
- (c) After the vessel has been inventoried, it will be secured with a Harbor Police padlock if stored at a Harbor Police Facility. If stored at a contracted storage facility, it will be the duty of the storage facility to secure the vessel.
- (d) Harbor Police officers must obtain approval from their supervisor prior to storing or impounding any vessel.

468.4 COMMERCIAL TOWING COMPANIES

- (a) The Port District maintains a contract with a commercial vessel towing concern (commercial assistance). Commercial assistance operates much the same as a vehicle towing company. They will tow impounded and stored vessels at the request of the Harbor Police Department. In addition, they have a storage area in which boats are maintained.
- (b) If commercial assistance has a response time of less than one hour, the Harbor Police vessel shall remain on scene and wait for them to respond and take custody of the vessel. In no instance will commercial assistance be asked to respond without a Harbor Police vessel first responding and evaluating the situation.
- (c) In all cases the impounded or stored vessel shall be inventoried, and a vessel storage report (DBW SVR-5b) shall be completed. A copy of the vessel storage report must be provided to commercial assistance when they take custody of the boat.

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468.5 RELEASE OF STORED/IMPOUNDED VESSELS

- (a) Persons wishing to take custody or claim a vessel stored at a Harbor Police facility shall be referred to the Harbor Police Bay Control officer. Generally, only the Bay Control officer may release impounded or stored vessels.
- (b) An exception will be made if the owner of the vessel arrives at the Harbor Police station during the same shift that the storage/impound occurred. The Watch Commander may approve the release of the vessel to the owner upon providing proper identification and documentation for the vessel.
- (c) Vessels will only be released to the owner/agent after the release portion of the vessel storage report (DBW SVR-5b) has been completed.

Airport Visitor Badges/Vehicle Permits

470.1 PURPOSE AND SCOPE

The purpose of this instruction is to identify the procedures for allowing visitor access to the Security Identification Area (SIDA).

470.2 VISITOR BADGES

The Harbor Police will issue a Visitor Badge to any person escorted by the Harbor Police in a restricted area who is not wearing the uniform of an emergency responder (police, fire, paramedic, etc). The Airport Security Program identifies the Visitor Badge and its use as follows:

- (a) A Visitor Badge is required for access to any restricted area when no other type of SAN ID Badge has been issued to that individual.
- (b) A Visitor Badge requires a physical or visual escort by an authorized individual who has a valid SAN ID Badge.
 - 1. A proper escort means the custodian continuously maintains complete control of the escorted person.
 - 2. This control must be sufficient to deny the escorted person unauthorized access to any aircraft.

470.3 VISITOR VEHICLE PERMITS

The Harbor Police will issue a Visitor Vehicle Permit to any vehicle escorted by the Harbor Police on the AOA that is not a marked emergency vehicle (police, fire, paramedic, etc). The Airport Security Program identifies the Visitor Vehicle Permit and its use as follows:

- (a) A Visitor Vehicle Permit is required for any vehicle operating on the AOA which does not display a permanent decal or temporary permit.
- (b) Vehicles with Visitor Vehicle Permits must be escorted while inside the AOA.
 - 1. The escort must remain with the escorted vehicle while the vehicle is on the AOA.
 - 2. The escorted vehicle shall be considered in the care, custody and control of the escort until the vehicle is off the AOA.
 - 3. The Permit must be prominently displayed on the front dashboard facing out through the windshield or on the inside of any other window facing out.
- (c) Occupants of a vehicle with a Visitor Vehicle Permit do not require Visitor Badges if they intend to remain inside that vehicle. If the occupants intend to exit that vehicle, they must have Visitor Badges.
- (d) Airport Visitor Badges and Visitor Vehicle Permits are maintained in the airport Badging Office. Obtaining Visitor Badges and Visitor Vehicle Permits after hours or on weekends can be accomplished through the Airport Operations Office.

Airport Security Checkpoints

472.1 PURPOSE AND SCOPE

The purpose of this instruction is to identify the responsibilities of air carriers, the Transportation Security Administration (formerly the Federal Aviation Administration), and San Diego Harbor Police officers for security screening of enplaning passengers at San Diego International Airport at Lindbergh Field.

472.2 DISCUSSION

The Harbor Police Department is the local law enforcement agency at the San Diego International Airport. All support to civil aviation in accordance with Federal Aviation Regulations (FAR's), the Code of Federal Regulations (CFR's), and public law is provided by San Diego Harbor Police officers.

The FAR's and CFR's were developed to ensure the safety of persons traveling via air transportation from acts of criminal violence and air piracy. These regulations set the minimum acceptable standards of security required to prevent any type of threat to airport security and to prevent unauthorized individuals from boarding aircraft with weapons or explosives. The Airport Security Program for Lindbergh Field was developed to comply with the FAR's and CFR's and it identifies those security measures at Lindbergh Field that have been approved by the Federal Aviation Administration, which became the Transportation Security Administration (TSA) in 2002.

The FAR's, CFR's and the Airport Security Program identify the responsibilities for security screening of enplaning passengers. The Transportation Security Administration is directly responsible for the security screening of all passengers.

472.3 AIR CARRIER RESPONSIBILITIES

- (a) Pursuant to 49 CFR 1544, air carriers are responsible for ensuring all pre-board screening requirements for all passengers are met, and for the physical inspection of all carry-on baggage. The screening personnel are agents of the TSA, and should be considered in the same manner as airline personnel.
- (b) This responsibility extends to making a determination on unusual items, or common items not normally considered a weapon (baseball bat, tire iron, etc.). Screening personnel may solicit the professional opinion of a Harbor Police officer as to whether an item is a danger to flight safety, but the final determination as to whether an item is permitted onto a flight remains with TSA personnel.

472.4 HARBOR POLICE RESPONSIBILITIES

Officers assigned to the checkpoints are to remain alert to the screening procedures. Officers are not permitted to read or eat while assigned at the checkpoints.

- (a) The screening positions are designed to detect weapons, explosives and other contraband not included in 49 CFR 1542. Officers are not required to view the

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screening equipment, and should only contact the screening personnel when requested.

- (b) Officers are to take appropriate law enforcement action when notified of a passenger possessing weapons or explosives.
- (c) Officers are to take appropriate law enforcement action should a passenger refuse to submit to pre-departure screening procedures and makes any attempt to enter the sterile area.
 - 1. Although it is a TSA responsibility to ensure all passengers are screened properly, Harbor Police officers may be required to intervene when a passenger refuses to complete the screening procedures and attempts to enter the sterile area.
 - 2. An unauthorized entry into the "sterile" area beyond the security screening area could present a security threat (in violation of Civil Aviation security regulations and local laws). Air carrier supervisors of all airlines operating from the affected security checkpoint will be notified so they may take appropriate action to secure doors, jetways and aircraft. The air carriers will also be notified when it has been determined that either an intrusion did not take place, or that the situation has been resolved. The Airport Operations Supervisor (call sign "Zebra") will be kept informed of any such situations, and a written report of the incident will be submitted.
 - 3. Any person entering the sterile area without properly and successfully completing the screening process may be subject to a violation of trespassing (section 602 PC) or disturbing the peace. There is also the possibility of prosecution on federal statutes. The Harbor Police officer on scene should detain the individual who is attempting to make an unauthorized entry into the sterile area, and solicit a crime report from the air carrier's representative.
 - 4. In the event of an accidental entry into a sterile area (such as a passenger trying to retrieve property mistakenly left onboard the plane on which they just arrived), officers on scene will take all facts into equal consideration before deciding what course of action to take. Under most circumstances, the officer can resolve the situation by instructing the passenger to go through the screening process again in order to return to the aircraft.
- (d) Officers shall provide support to air carrier personnel in the denial of boarding for passengers for any reason(s) necessary.
- (e) Officers shall respond immediately to any request by air carrier personnel for law enforcement assistance.
- (f) Appropriate law enforcement action should be taken as each situation dictates.

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- (g) Notify the Airport Sergeant (Unit 701) should an arrest be imminent, or should any other enforcement action be taken.

472.5 EMERGENCY NOTIFICATION EQUIPMENT

Each security checkpoint position is equipped with alarm systems that terminate in the Security Operations Center (SOC). The SOC is staffed by contract security personnel 24 hours per day. It is located in the Commuter Terminal on the third floor. Each checkpoint is equipped with cameras (that monitor activity at the checkpoint), beacon alarms, an emergency foot pedal and a red telephone.

472.6 SCREENING EQUIPMENT

The security checkpoint screening equipment may only be tested by TSA personnel or their designated representative(s). These tests may be on a covert basis, or in any other way they desire. Harbor Police officers will not test any of the magnetometers or any other screening equipment in any way, unless requested to do so by TSA personnel.

472.7 ARMED PERSONNEL WITHIN STERILE AREAS

With few exceptions, no one is permitted to enter any of the sterile areas while carrying weapons. Exceptions include uniformed and non-uniformed peace officers on official business, and all federal officers.

472.7.1 ON-DUTY PEACE OFFICERS

Peace officers who are armed and on official business but are not passengers, in uniform or in plain clothes, will identify themselves to the TSA supervisor and to the Harbor Police officer at the checkpoint. All officers wishing to enter the sterile area will be required to show identification, along with their badge. At the discretion of the TSA supervisor at the checkpoint, the armed peace officer will be permitted to enter the sterile area, under Harbor Police escort if applicable.

- (a) Federal law enforcement officers on duty will be required to show their credentials to the TSA or Harbor Police, who must verify those credentials. Federal law enforcement officers must also possess their Unique Federal Agency Number (UFAN). Each federal agency is issued a UFAN specific to that individual agency. A list of all UFANs can be located at each checkpoint. Federal agents must also contact the appropriate airline representative and inform them of the intent to fly armed.
- (b) Peace officers who are armed, on official business and are passengers must follow each airlines specific guidelines along with federal law for flying armed. Those guidelines include, but are not limited to:
 - 1. Must be a federal law enforcement officer or a full-time municipal, county or state law enforcement officer who is a direct employee of a government agency
 - 2. Must be authorized by the employing agency to have the weapon in connection with his/her assigned responsibility
 - 3. Must have completed the FAA LEO flying while armed training program

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4. If the armed law enforcement officer is a state, county, or municipal officer, he or she must be in possession of their alpha-numeric NLETS identifier, badge, department credentials, one other form of government-issued identification, a boarding pass, and the airlines' Person Carrying Firearms (PCFA) forms.

It is the responsibility of the airlines to determine whether or not a law enforcement officer can fly armed. It may be necessary to have security personnel contact the airline's ground security coordinator.

472.7.2 OFF-DUTY PEACE OFFICERS

- (a) Off duty peace officers who are not on official business and are armed will not be permitted into the sterile area.
- (b) Federal officers who are off-duty with the proper credentials will be permitted into the sterile area.
- (c) Should an armed, off-duty peace officer attempt to enter the sterile area, the Harbor Police officer at the checkpoint will take appropriate law enforcement action to prevent the weapon from entering the sterile area. If necessary, a Harbor Police supervisor will be called to the location.

Airport Parking Enforcement

474.1 PURPOSE AND SCOPE

The purpose of this department instruction is to provide guidelines for parking enforcement at San Diego International Airport at Lindbergh Field.

474.2 BACKGROUND

The procedures in this instruction have been approved by the Director of the Aviation Division at Lindbergh Field, and the Director of Ground Transportation and Landside Operations. This instruction is intended to provide uniformity in the enforcement of parking regulations at the airport.

Ground Transportation and Landside Operations' Airport Traffic Officers (ATO's) are primarily responsible for parking enforcement at the curb. This does not preclude Harbor Police officers from taking enforcement action when appropriate.

474.3 CURBSIDE PARKING

- (a) Personal vehicles are not allowed to remain at the curb unless they are actively loading or unloading passengers. Parking or waiting is not permitted.
- (b) News media vehicles are permitted at the curb in designated areas only under the following circumstances:
 - 1. A valid media placard issued by the County or City of San Diego must be displayed. The placard must be marked with the news media station or affiliation insignia.
 - 2. The news media vehicle is to be parked at the far east end of Terminal 1 or the far west end of Terminal 2.
 - 3. The news media representative must contact an ATO prior to remaining at the curb.
 - 4. An ATO must conduct a cursory inspection of the news media vehicle.
 - 5. A member of the news media crew must remain with the news media vehicle at all times.
 - 6. If Harbor Police officers are contacted by the news media, the officer(s) should direct the news crew to contact an on-duty ATO. If the HPD officer cannot locate an ATO, HPD dispatch can contact an ATO supervisor via radio.
- (c) Emergency vehicles are authorized to park at the curb only after contact has been established with an ATO and a cursory inspection has been performed. The purpose of the inspection is to determine the identities of those in the emergency vehicle and to verify the purpose of their business at the airport. Harbor Police marked units, other Port District vehicles, San Diego International Airport emergency vehicles, Airport

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Operations vehicles and airport maintenance vehicles are exempt from this policy. If any of these vehicles are parked at the curb, the vehicles should be locked.

- (d) Delivery vehicles (including UPS and FedEx) are authorized to park at the curb under the following circumstances:
 - 1. A SAN AOA placard or permit is displayed on the dash
 - 2. An ATO makes contact with the driver of the vehicle to establish their purpose at the airport
 - 3. A cursory inspection is made of the vehicle by an ATO
 - 4. The outlined procedures may be used for delivery vehicles for businesses that regularly service the airport (such as The Union-Tribune, McDonald's, etc.). In these cases, an ATO will conduct the cursory inspection and then inform an ATO supervisor.
- (e) Vehicles in violation of posted signs will be issued a parking citation. NOTE: HPD officers may be called to assist ATO's with uncooperative persons at the curb. Officers will respond to assist as quickly as possible.

474.3.1 HANDICAPPED PLACARDS

Handicapped placards are not valid at the curb and drivers will not be permitted to park or wait at the curb. Drivers should be advised there are marked handicapped parking spaces available in the parking lot. If the driver elects to not go into the parking lot, they will be advised to leave the curb and cannot return to the curb until their party is on the curb and ready for pick-up.

474.4 FIELD SIDE

- (a) An Airport Operations representative will notify Harbor Police dispatch or a field unit via the radio when an unauthorized vehicle has gained access to the ramp area. Harbor Police officers will immediately respond to the location and take appropriate action.
- (b) Access to the ramp area is restricted to only one ingress and egress via gate P-18 at the end of Winship Lane (east of the Commuter Terminal). Emergency vehicles only can also access the ramp area via P-01 at the end of Washington Street, next to the Airport Rescue and Fire Fighting station (ARFF).

474.5 PARKING LOTS

- (a) There are two parking lots at the airport, operated by Lindbergh Parking Incorporated (LPI). The parking lots are considered public property and vehicles are subject to the same regulatory enforcement as any other public property. Harbor Police officers may enforce parking regulations in the parking lots pursuant to State of California and local ordinances.

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1. A vehicle may be impounded from a public parking lot if it is in violation of any law that specifically authorizes police impound. The LPI manager will be notified and all normal procedures for impounding vehicles will be followed.
2. If a vehicle needs to be removed because it is damaging the parking lot surface and/or creating a danger to persons or property but is not in violation of any law authorizing such impound, the LPI manager will be notified. If the LPI manager decides to have the vehicle(s) impounded, LPI will be responsible for all subsequent billings and reports. The Harbor Police officer on scene will only submit an Officer's Report (Arjis-9) containing the facts, disposition of the vehicle(s), and the names of all parties involved.
3. The LPI manager may also make the decision to have a vehicle towed due to it leaking gasoline. The Harbor Police officers on scene will direct traffic around the vehicle, request HPD dispatch call for a wash-down from the San Diego Fire Department, and take whatever precautions are necessary until the scene is secured.

474.6 SPECIAL PARKING CONSIDERATIONS

- (a) Personal vehicles belonging to Federal, State and local politicians are only permitted to park at the curb if the driver contacts an on-duty ATO. The on-duty ATO will contact their supervisor and will arrange for parking in permitted areas.
- (b) There are no commercial parking zones located curbside at the airport. Contractors and vendors will use the public parking lots unless they have made other arrangements with Landside Operations.
- (c) Tour busses may not wait at the curb. They are only permitted to drive to the curb when the entire group has arrived curbside with all of their luggage and the group is ready for pick up. Generally, the on-duty ATO's will make arrangements for this.
- (d) If a Harbor Police officer is contacted by an ATO and assistance is requested, Harbor Police officers will assist in any way possible. This may include directing traffic, enforcing parking regulations, or blocking off portions of the roadway for arriving emergency vehicles or a VIP vehicle.
- (e) Harbor Police officers should also be aware that ATO's are on duty during most hours of the day and night and will assist with traffic direction at accident scenes if at all possible.

Airport Lost and Found

476.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the handling of found property at the San Diego International Airport, Lindbergh Field.

476.2 HANDLING OF LOST AND FOUND

- (a) Check all items received for identification or shipping tags (baggage received with airline destination tags should be returned to the respective airline). If the owner can be identified, a public address (PA) page of both airport terminals should be made. The officer should page the owner of the property and instruct them to contact the Harbor Police via a white courtesy phone.
- (b) All items received by the Harbor Police, including un-tagged baggage, will be inventoried. This includes items received and returned to the owner with only a short time lapse. It is only through a complete inventory that items missing can be established by an owner recovering property. Property inventoried will be described on a Property Control Form (UPD-179). If more space is needed, an ARJIS-9 will be used and attached to the UPD-179 form. If the item is locked, it shall be opened to determine the contents. Proper completion of this form is discussed below.
- (c) All found property will be transported immediately to the Terminal Two Lost and Found office for processing and accounting of the item(s).
- (d) Persons wishing to claim property will be directed to the Terminal Two Lost and Found office. If the owner contacts the officer prior to completing the forms, the property shall not be returned to the owner until the Property Control form is completed and signed by the owner.
- (e) Anyone claiming ownership of property, that wishes to claim said property, must complete the bottom portion of the Property Control form in its entirety. Anyone acting on behalf of the owner (agent) must have a notarized letter from the owner, authorizing the agent to pick up the property. The only exception to the notarized letter requirement is an airline representative acting on behalf of a passenger. In all cases, the bottom portion of the Property Control Form will be filled out completely. The officer releasing the property must put his/her name and badge number on the bottom of the form.
- (f) A finder wishing to claim property which is not their own should be advised that they will be notified by the SDCRAA 90 days from the date that the item is turned into the Lost and Found. The SDCRAA will advise the individual of the procedures for claiming the item. Port District employees may not claim found property.

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476.3 SPECIAL HANDLING INSTRUCTIONS FOR SPECIFIC ITEMS

- (a) U.S. Passports - U.S. Passports are to be retained for a period of one week. Members of the Administrative Unit will mail the passport after 1 week to the owner.
- (b) Foreign Passports - Foreign passports are to be retained for 24 hours. Members of the Administrative Unit will mail the passport to the appropriate diplomatic mission after one day.
- (c) U.S. Currency - All U.S. currency will be removed from property and placed in an envelope and sealed. The envelope must be annotated to include the property control form number, the date, and the amount of money in the envelope. All envelopes are to be secured in the currency lock box inside the Lost and Found office.
- (d) Foreign Currency - All foreign currency will be removed from property and placed in an envelope and sealed. The envelope must be annotated to include the property control form number, the date, and the amount of money in the envelope. All envelopes are to be secured in the currency lock box inside the Lost and Found office.
- (e) Credit Cards & Travelers Checks - Contact the company and inform them that the credit card is in the possession of the Harbor Police. Annotate the property control form with the disposition of the credit card.

476.4 ITEMS NOT TO BE LOGGED INTO LOST AND FOUND

- (a) Guns - Take all firearms turned into the Harbor Police to San Diego Police Department Headquarters and turn them into the property room.
- (b) Narcotics - All found felony narcotics will be taken to the San Diego Police Department's property room and logged in. Paraphernalia and misdemeanor narcotics may be impounded in the narcotics locker at Harbor Police Headquarters.
- (c) Fireworks, explosives, and incendiary devices - These items should be transported to the SDFD Crash and Rescue station at the airport, if safe to do so.
- (d) Alcoholic beverages and perishable food items will be destroyed and not maintained in lost and found. Large quantities of food items may be delivered to a charitable organization for their use, at the direction of the Watch Commander.

476.5 FOUND PROPERTY ON TIDELANDS

Property found outside the confines of the airport will be taken to the San Diego Police Department's property room for processing. The officer will prepare an ARJIS-9 briefly stating the circumstances surrounding the found property and attach the property tag receipt to the report.

Detection of Explosives at Airport Security Checkpoints

478.1 PURPOSE AND SCOPE

The purpose of this Standard Operating Procedure is to guide Harbor Police personnel through the proper response protocol and method for resolving a possible Improvised Explosive Device (IED) located with checkpoint x-ray equipment or the Explosive Detection System (EDS) at the San Diego International Airport.

478.2 DEFINITIONS

- (a) **Alarm Team:** Consists of a Harbor Police supervisor, the Transportation Security Administration (TSA), San Diego County Regional Airport Authority (SDCRAA) personnel, the affected air carrier's representative, and, when required, Metro Arson Strike Team (MAST) personnel.
- (b) **IED Components:** There are four (4) essential components of an Improvised Explosive Device:
 - 1. Explosive charge
 - 2. Initiator or detonator, frequently a blasting cap
 - 3. Power source (usually batteries of some kind)
 - 4. Fusing system
- (c) **Checkpoint X-ray Equipment:** Passenger screening checkpoint x-ray systems provide imagery of a bag and its contents, but do not afford the same positive density comparison as EDS units used for checked baggage.
- (d) **Explosive Trace Detection (ETD):** This equipment is present at both the passenger screening checkpoints and at checked baggage inspection locations. ETD machines detect the presence of trace amounts of explosives material, and its detection threshold is generally much lower than that of a canine.
- (e) **Explosive Detection System (EDS):** EDS equipment is x-ray based and provides imagery similar to that of conventional passenger screening x-rays. It can also identify masses (of a minimum size) within each piece of baggage that have material densities similar or identical to those of certain types of explosive materials. The EDS displays and flags each such article within a bag by coloring it red on the screen and by framing that portion of the image. The EDS operator must interpret the flagged materials and look for other components of an IED, such as a detonator, a power source, or a fusing system. Some innocent materials such as honey, canned hams, and Toblerone chocolate bars have the same densities as certain explosive substances.

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478.3 CONDITIONS FOR LAW ENFORCEMENT RESPONSE

When an object has been determined to be an "obvious threat," a TSA supervisor will contact the Harbor Police. The TSA defines an "obvious threat" as: "[a] weapon, explosive or incendiary." A suspected IED can include grenades, apparent pipe bombs, and any mass with a visible detonator.

The TSA may also contact Harbor Police for assistance with a suspected IED when one or more of the following additional factors are present:

- (a) The TSA supervisor has a confirmed EDS alarm indicating that a possible explosive substance or device is contained in a passenger's baggage
- (b) The detected item has at least one component of a destructive device or IED
- (c) The item may be contained within electrical appliances or electronic devices
- (d) The owner of the bag may be present but has not provided satisfactory answers to explain the presence of a suspected explosive substance.
- (e) The passenger has left or fled the area, or does not respond when summoned by the air carrier representative
- (f) The passenger exhibits suspicious behavior
- (g) The baggage is temporarily contained inside the screening equipment because of a suspected device

478.4 RESPONSE TO X-RAY UNIT OR EXPLOSIVE DETECTION SYSTEMS

- (a) The first officer on scene will take control of the scene.
- (b) Upon arriving at the affected screening location, the officer will contact the screening supervisor and determine what has been done to clear the suspect baggage and the nature of the screener's suspicions, and gather all available facts.
- (c) If it is determined that the baggage contains a suspected explosive substance or device, a Harbor Police supervisor must be called to the scene. The responding officer can resolve any other dangerous weapons or items.
- (d) The on-scene Harbor Police supervisor must ensure that the affected air carrier's representative, SDCRAA representative, and a TSA manager are notified of the suspected explosive substance or device.
- (e) For an apparent explosive device which the screening supervisor has determined to be an "obvious threat," the responding Harbor Police supervisor must ensure that the "Alarm Team" is assembled in order to collaboratively clear the suspected threat object. If all available facts lead to the possibility of a real threat, the Harbor Police supervisor will implement Alert procedures and notify MAST.

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1. Since time is of the essence, an immediate assembly is necessary. Any significant delay from any member of the "Alarm Team" will result in the available members resolving the suspected threat object as they deem appropriate.
- (f) The supervisor should gather as much information as possible from each team member to make the most appropriate decision, bearing in mind that public safety and health is paramount.
- (g) In order to clear the threat object, the Harbor Police supervisor should ensure the following actions are taken or considered:
 1. The baggage has been subjected to Explosive Trace Detection (ETD) and/or K-9 inspection. The canine may be used as an additional resolution tool when ETD is not available.
 2. The baggage owner has been identified and interviewed to determine the source of the alarm (i.e. owner recently handled a substance like heart medication that could cause an alarm, owner's occupation involves handling chemicals that would give a positive reading on the ETD, etc.), or to develop information on the suspect item displayed in the x-ray (e.g. inert or training grenade in possession of a military passenger).
 3. Try to determine the baggage owner's travel pattern via the aircraft operator.
 4. If the baggage is open, conduct a visual inspection for possible explosive substances without handling the contents. If unable to determine the nature of the substance or alarm, secure the area and notify MAST.
 5. For a suspected explosive substance--if the baggage is not open and the owner is not present or refuses to open the bag, secure the area and notify MAST.
 6. For a suspected explosive device, of which the screening supervisor has determined to be an "obvious threat", the "Alarm Team" members should determine if all the available facts lead to the possibility of a real threat. If so, implement Alert procedures and notify MAST.
- (h) Once the threat object and bag are cleared, the aircraft operator will make the decision whether to allow the bag to continue on the flight.
- (i) Any calls for service at a screening location regarding a suspected IED which result in notifications to other entities will require an officer's report to document actions taken.

Airport Alerts

482.1 PURPOSE AND SCOPE

Emergency procedures are established to provide prompt, orderly and effective coordination in response to emergency or unique situations that may occur at San Diego International Airport at Lindbergh Field. The immediate response for all units involved is essential to the preservation and protection of life and property.

482.2 BACKGROUND

The emergency procedures contained in this instruction have been coordinated with the affected organizations, including law enforcement, medical services, fire fighting, rescue personnel, emergency services, and other involved agencies.

482.3 DISCUSSION

Every emergency is different and each must be handled individually, and there may be opportunities to deviate from the procedures outlined in this instruction. This type of condition does not invalidate this instruction, but lends credibility to the exercise of good judgment on the part of those responsible for "on the spot" decisions.

482.4 DEFINITIONS

- (a) **ALERT 2:** An aircraft approaching the airfield or on the ground that is experiencing difficulty (minor or major). An emergency has been declared.
- (b) **ALERT 3:** An aircraft accident has occurred, or an accident is imminent on or near the airport. This includes aircraft fires.
- (c) **ALERT 4:** An aircraft or building is a target of a bomb threat.

482.5 NOTIFICATIONS

The Air Traffic Control Tower (ATCT) and the Airport Rescue and Fire Station (ARFF) have the capability of activating the emergency telephone net. The phones at both locations must be off-hook for the system to be activated. The following agencies have receiving capability on the telephone net:

- (a) Station 1 Airport Operations Supervisor (AOS)
- (b) Station 2 Airport Manager's Office
- (c) Station 3 SDFD Dispatcher, who will contact SDPD via ring-down line
- (d) Station 4 Harbor Police Communications
- (e) Station 5 Safeguard Security Company in the SOC at the Airport.

482.6 ALERT 2

- (a) Dispatch will broadcast the Alert 2 information on both frequencies

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- (b) An Available Field Unit will drop off one terminal one walking unit at Winship Gate at P-18 and another terminal one walking unit at the Washington St. gate at P-02 to allow the access of responding emergency personnel.
- (c) One Terminal 2 walking unit will respond to Terminal 1 to assist with calls for service and monitor the ticket counter of the affected airline.
- (d) The Airport Sergeant will coordinate incident command and HPD response with AOS, ARFF, and SDFD Captain. If needed, the sergeant will complete a supervisor's After Action Report.

482.7 ALERT 3

In addition to the Alert 2 procedures:

- (a) Dispatch will ensure that the command team is notified of the incident. They may also contact HPD Administration and request one person respond to Dispatch to assist if needed.
- (b) The Airport Sergeant may assign an officer who is trained in the operation of the Command Van to activate it and get it underway to the emergency scene.
- (c) Assign an officer(s) to the Commuter Terminal, 3rd floor, where a media room may be established.
- (d) All officers assigned to the incident will prepare an Arjis-9 documenting their activities during the incident.
- (e) The Airport Lieutenant will prepare an After Action Report recounting a management overview of the incident.

482.8 ALERT 4

- (a) If the alert involves an aircraft, the following will occur in addition to the Alert 3 procedures:
 - 1. The threatened aircraft will be moved/towed to an isolated area, the north ramp area or Alert 4/Penalty Box area.
 - 2. The passengers will be removed from the aircraft and sequestered in one central location. This location is usually decided upon by the affected airline's station manager. The passengers will not be permitted to leave until the FBI has arrived and has interviewed each passenger.
 - 3. The baggage will be removed to a security area where it can be searched. Luggage and cargo will NOT be moved again until it has been cleared and the Alert status has been canceled.
 - 4. HPD Explosive Detection K-9 Units will be called to the scene and will search the aircraft, cargo and all baggage.

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5. After the K-9 Units have searched the baggage, the passengers may be requested to return to the aircraft and open their baggage for further search by the K-9 units.
- (b) If the alert involves a building, the nature of the threat and area that is involved will determine the extent of the procedures and officers' involvement in securing the scene.
 1. Initiate a search in the public areas of the building. Ensure tenants have initiated searches of leasehold areas.
 2. Evacuate the building as necessary and coordinate with AOS.
 3. Request HPD Explosive Detection K-9 Units respond to the scene to assist with the search.
 4. Request SDFD EOD if a suspicious object or material is found, or if HPD K-9 Team locates suspicious items.
- (c) An assigned unit will complete a Harbor Police Bomb Threat report. The Harbor Police Supervisor/Unit 701 will complete an Arjis-9 or After Action Report.

Crimes Aboard Aircraft

484.1 PURPOSE AND SCOPE

The purpose of this department instruction is to provide officers with guidance when dealing with crimes that have occurred aboard in flight aircraft.

484.2 BACKGROUND

In general, crimes that occur aboard in flight aircraft are federal violations. The responsibility for investigation is with the Federal Bureau of Investigation (FBI) and with the investigative branch of the Transportation Security Administration (TSA). An additional branch of the TSA investigates civil offenses, such as smoking aboard aircraft. Officers will assist the FBI and/or the TSA as requested.

484.3 DEFINITIONS

- (a) **In Flight Aircraft:** For the purposes of this department instruction, an airborne aircraft is:
 - 1. An aircraft is considered "in flight" from the moment all external doors are closed following passenger embarkation and remains in this status until the moment when such door is opened for disembarkation.

484.4 RESPONSE

- (a) Officers responding to a report of a crime onboard a flight shall determine if the incident occurred aboard an in flight aircraft.
 - (b) If the incident occurred on an aircraft that is NOT in flight (per the listed definition), the responding officer(s) will deal with the incident as if it were any other report of criminal activity on Tidelands.
 - (c) If the reported criminal incident occurred aboard an in flight aircraft (per the listed definition), the officer shall:
 - 1. Notify the Harbor Police Dispatcher of the details of the incident and request Dispatch contact the FBI and TSA duty agents.
 - 2. The TSA duty agent will normally respond to all calls of this nature. If the FBI duty agent advises they will be responding to the scene also, all parties involved will be detained pending the agent's arrival.
- (a) It is advisable to detain the involved persons at or on the aircraft, or as near as possible. This will prevent excessive movement that could constitute an arrest. However, case law does allow for the movement of persons a reasonable distance to ensure their safety and the safety of the officers.

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3. The Harbor Police Officers at the scene shall assist the FBI and/or TSA agents upon their arrival. Officers shall transfer custody of evidence or detained persons as deemed necessary.
4. Upon the FBI or TSA taking control of the incident scene, the Harbor Police Officer who was first on scene shall complete an officer's report (Arjis-9) to include a summary of the incident. It will also include the names of the responding FBI and TSA agents at the scene, and the disposition of the incident.

484.4.1 STATE OF CALIFORNIA CHARGES

- (a) Generally, when the FBI and/or TSA responds to a scene and assumes control of the investigation, the HPD officer will not additionally arrest and charge those persons involved with any California state charges.
- (b) California Penal Code section 783 extends the jurisdiction to California peace officers to investigate crimes occurring aboard in flight aircraft to the jurisdiction in which the trip terminates.
- (c) Occasionally, officers will find that a crime has clearly been committed aboard an in flight aircraft and the FBI and/or TSA requests that it be handled, "on a local level." If the FBI and/or TSA agent declines to respond and requests that the Harbor Police investigate and handle the situation, the first officer on scene will do so. The situation will be handled in the same manner as if it had occurred anywhere on Tidelands.

484.4.2 SMOKING ABOARD AN AIRCRAFT

- (a) Smoking aboard an aircraft is a federal and civil violation. However, there are times when an officer may be dispatched to reports of a passenger smoking aboard an aircraft. Officers responding to this call for service shall:
 1. Determine the circumstances surrounding the incident, and whether the smoking interfered with the normal operation of the aircraft.
 2. Advise Harbor Police Dispatcher and on-duty HPD supervisor of the circumstances and request the FBI and/or TSA duty agent(s) be contacted. If the smoking did not interfere with the normal operation of the aircraft, do not request the FBI be contacted.
 3. If the FBI and/or TSA elects to respond, detain all individuals involved for a reasonable amount of time pending the arrival of the FBI and/or TSA agents. The first officer at the scene will complete an officer's report (Arjis-9), detailing the circumstances and person(s) involved.
 4. If the FBI and/or TSA agent does not elect to respond, the HPD officer on scene will still document the incident via an officer's report (Arjis-9). The Harbor Police Records personnel will route a copy of the report to the TSA for civil processing.

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484.4.3 INTERFERING WITH AN AIRCRAFT FLIGHT CREW

- (a) Interfering with the flight crew of an aircraft is a federal crime and is not chargeable under the California Penal Code. However, officers must keep in mind that the method in which the interference was made may be a violation of California law (example: assault and/or battery would be chargeable under the Penal Code).
- (b) Officers shall determine if any California laws have been violated when responding to an incident involving interference with the flight crew.
- (c) Officers will handle the incident using the procedures set forth in this policy.
- (d) If the FBI and/or TSA fails to respond and a crime has not been committed under California law, the officer will release all parties involved and submit an officer's report (Arjis-9).
- (e) If the FBI and or TSA agent fails to respond and there has been a violation of California law, the officer will handle the incident as set forth previously in this policy.

Aircraft Hijacking

486.1 PURPOSE AND SCOPE

Emergency procedures are established to provide prompt, orderly and effective coordination in response to emergency situations that may occur at San Diego International Airport at Lindbergh Field. The immediate response of all units involved is essential to the preservation and protection of life and property.

Every emergency is different and must be handled individually, and there may be situations where an officer must deviate from the procedures in this instruction. Those situations do not invalidate this department instruction but lend credibility to the use of good judgment on the part of those responsible for making "on-the-spot" decisions.

This policy is to be used in conjunction with the Airport Emergency Manual.

486.2 JURISDICTON

The Transportation Security Administration (TSA) has exclusive responsibility for decisions involving law enforcement action with regard to a hijacking when the aircraft is "in flight." The Federal Bureau of Investigation (FBI) has the same exclusive responsibility when the aircraft is not "in flight."

An aircraft is considered "in flight" from the moment all external doors are closed following passenger embarkation and remains in this status until the moment when such door is opened for disembarkation.

486.3 OVERVIEW

- (a) The hijacked aircraft will be parked on the north ramp.
- (b) The Emergency Operations Center (EOC) in the Commuter Terminal will be activated.
- (c) An Incident Command Post will be established in an area dictated by the specifics of the situation.

486.4 NOTIFICATIONS

- (a) Notification of a hijacking is usually received via telephone. Upon receiving such notification, Harbor Police Dispatch will do the following:
 - 1. Notify all Harbor Police units, both at the airport and in patrol.
 - 2. Notify the Airport Operations Supervisor (AOS).
 - 3. Notify the Harbor Police Airport Lieutenant, Harbor Police Captain, and Chief of Harbor Police.
 - 4. Notify the SDPD Watch Commander's Office.
 - 5. Notify the FBI.

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6. Notify the Port District Marketing and Public Relations office. If the incident occurs during normal business hours, the office will be notified. If the incident occurs after normal business hours, a page will be made to the on-duty public relations staff person for the Port District.

486.5 ASSIGNMENTS

(a) Airport Lieutenant:

1. The Airport Lieutenant will respond to the Emergency Operations Center and will relieve Unit 701 as Incident Commander. Unit 701 will then respond to the scene and keep the Airport Lieutenant informed of all applicable information.

(b) Unit 701:

1. Is the designated Incident Commander in charge of police units involved in the incident until relieved by higher authority.
2. Will respond to the EOC and coordinate Harbor Police activities until the Incident Command Post is established.
3. Once the Incident Command Post is established, will respond to that location.
 - (a) The Incident Command Post provides a specific point of contact, command and control through which incident management will be coordinated.
 - (b) The Incident Command Post will be staffed by the Harbor Police Incident Commander, a representative of the Airport Operations office, and support personnel as required.
4. Coordinate with SDPD for perimeter control and crowd control, as needed.
5. Assign Harbor Police officers to remain in the ticket counter area of the affected airline. Crowd control may become necessary, as well as a need for keeping the peace may develop as the incident continues. If a media room or area is established within the airport property, at least one Harbor Police Officer will be assigned to the area to ensure there isn't any unauthorized access to the airfield area and to preserve the peace.

(c) Unit 740, Unit 741 and Unit 742:

- (a) One vehicle unit will be assigned or will volunteer to pick up walking units for transportation to assigned locations. In most situations, Unit 710 and Unit 711 will be transported to specific locations per Unit 701. Unit 712 will remain in service in Terminal 1, and one unit from Terminal 2 will respond to Terminal 1 to assist, as needed.

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- (b) The other two vehicle units not involved in the transport of walking units to their assigned locations will remain in service to assist with other calls.
- (d) Unit 710, Unit 711 and Unit 712:
 - (a) Two units will coordinate with vehicle unit for transport to assigned location.
 - (b) The remaining Terminal 1 unit will remain in service in Terminal 1.
- (e) Unit 720, Unit 721, and Unit 722:
 - (a) One unit will respond to Terminal 1 to assist with calls for service.
 - (b) The two remaining units will remain in Terminal 2 and will handle calls for service.
- (f) Unit 501:
 - (a) The patrol supervisor will respond to assist Unit 701. If Unit 501 is not needed at either the EOC or at the Command Post, Unit 501 will remain at the Airport to supervise airport units who are responding to other calls for service.

486.6 DOCUMENTATION

The Incident Commander will complete an After Action Report following completion of the incident. Every officer involved in the call, regardless of assignment or actions taken (or not taken) will complete an Arjis-9 to detail their involvement. The Arjis-9 will be written prior to the officer ending their shift.

Airport Weapons Violations

488.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidance regarding airport weapon violations at San Diego International Airport.

488.2 DEFINITIONS

- **Sterile Area:** Once a person submits to screening at the security checkpoint, they have entered the sterile area. This means placing a bag on the x-ray belt or stepping through the magnetometer.

488.3 INVESTIGATION PROCEDURES

- (a) When questioning TSA personnel, officers must interview and obtain statements from the person who discovered the item and if different, the person who retrieved the unlawful item from the person or property of the subject. The subject may have made statements to TSA personnel while going through the screening process.
- (b) The carry-on bag and the property itself can serve as circumstantial evidence that the person knowingly possessed the illegal item. Some things to observe are the size and construction of the bag, the location of the unlawful item, how it was packed or stored, what other items were in the same compartment and whether it was camouflaged or dismantled.
- (c) Neither the City Attorney nor the District Attorney will create a minimum standard for the number of rounds for the violation of possession of ammunition per 171PC. This allows the officer the discretion to enforce as best meets the furtherance of justice.

488.3.1 171.5 PC-WEAPON IN AIRPORT STERILE AREA OR PASSENGER VESSEL TERMINAL

- (a) Where there is probable cause to believe the subject violated 171.5 PC:
 1. Issue a citation for 171.5(b) PC and any other applicable misdemeanor or infraction code section.
 2. Citations will be accompanied by an ARJIS-9 with a narrative that includes the statements of the TSA personnel who discovered and retrieved the illegal item.
 3. An ARJIS-3 will also be completed with the witness information.
 - (a) List TSA personnel's full name, TSA ID#
 - (b) Business address and phone number: 401 W. "A" Street, Suite 1800, San Diego, Ca. 92101, (619) 557-6688.
 - (c) Attach a photocopy of the illegal item to the report and impound the item at SDPD Headquarters property room.

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- (b) 171.5 PC does not apply to someone who declares and removes the item prior to submitting to screening or if the person does not knowingly possess the item.

488.3.2 SDCRAA CODES

If it is determined that the subject did not knowingly possess the item per 171.5 PC or that it would be difficult to prove, you may use 7.02(a) SDCRAAC.

488.3.3 171B(A) PC- POSSESSION OF WEAPONS IN A PUBLIC BUILDING

Section 171b(a) prohibits the possession of certain weapons or items in the airport. Per the San Diego District Attorney's Office, the airport does constitute a "public building" per 171b PC. As a result, this charge may be used with regards to weapons brought into the building. It may also be used as an additional charge at the checkpoints. Officers may use this charge when a subject attempts to bypass the firearm declaration process. However, officers should take into account other factors such as how the weapon was packed (hidden in a sock, or tucked between two items of clothes in the top of the bag versus locked in an appropriate storage box), possible miscommunication issues at the ticket counter, or if the weapon was loaded in the bag. Officers will use this section with discretion, and will be thorough in their investigation when deciding to charge this violation.

488.3.4 WEAPONS, UNLAWFUL POSSESSION

Any weapon violation of Felony California Penal Code that involves a firearm will be handled as a felony. Any weapon in violation of the California Penal Code (formerly 12020 PC Violations) that does not involve a firearm will be handled in the following manner:

- (a) If the investigating officer determines that the subject is in violation of a section formerly covered by 12020 PC an NTA may be issued following the aforementioned procedure. The charge on the NTA will be written as whatever the current Penal Code section is Per 17(b)(4) PC Unlawful Weapon Possession "As Misdemeanor". In the narrative of the report, the officer will write "The weapon described in this report constitutes a violation of _____ PC and is chargeable Per 17(b)(4) PC."
- (b) Officers are able to arrest for the felony sections of the Penal Code upon their discretion. Officers will take into account such issues as the manner the weapon was carried, attempts to secrete the weapon, prior offenses, and any other mitigating circumstance.

[See attachment: weapons violations changed_172569.pdf](#)

488.3.5 OTHER WEAPONS/PROHIBITED ITEMS

Any item that is not determined to be a weapon and is not in violation of any other felony, misdemeanor or infraction code, the following options are available:

- (a) Allow the person to return the item to their vehicle or take the item off the airport premises.

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- (b) Allow the person to put the item in their checked luggage if the time exists and the TSA personnel allow it.

488.4 EVIDENCE

Whenever officers take enforcement action for a weapons violation, it is imperative to photograph or make a Xerox copy of the object/weapon for their report. This photo should be done in conjunction of a measuring device such as a ruler to properly document the size of the object. IN addition, once an officer takes custody of a weapon or item prohibited by these sections, the item is now in their custody, and shall not be released from Harbor Police control, even to TSA personnel, until it is properly logged into evidence per departmental procedures.

Officers will run a criminal history on all weapons calls to help evaluate the best course of action.

488.5 ABANDONMENT'S

Abandonments are to be the exception not the rule. There are some circumstances where abandoning a weapon may be the proper course of action. Any circumstance where the responding officer believes that abandonment is the proper course of action shall get the approval from their supervisor prior to giving the subject the option to abandon the item in lieu of enforcement action.

- (a) Any weapon that is a felony to possess shall not be abandoned.
- (b) Any item that is voluntarily surrendered to Harbor Police shall be documented on an abandonment form. The officer shall provide a brief written explanation regarding the circumstances of the abandonment, including the authorizing supervisor.
- (c) The citizen shall sign the abandonment form indicating that they have voluntarily surrendered the item to the Harbor Police. The form shall be scanned and entered into the case file (i.e NetRMS).
- (d) Loose ammunition (ten rounds or less) at the checkpoint can be abandoned at the discretion of the officer if the possessor does not have a criminal history. Any ammunition considered a felony may not be abandoned. Ammunition will not be turned into the Harbor Police armory nor retained by any member of the Department.
- (e) Out of state residents will be subject to the same enforcement procedures as California residents.

Public Recording of Law Enforcement Activity

490.1 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.

490.2 POLICY

The Port of San Diego Harbor 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.

490.3 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.

490.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

490.5 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.

490.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

First Amendment Assemblies

491.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

491.2 POLICY

The Port of San Diego Harbor 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.

491.3 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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491.3.1 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.

491.4 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 Dispatch, 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.

491.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

491.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

491.5.2 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.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

491.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

491.6 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.

491.7 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.

491.8 ARRESTS

The Port of San Diego Harbor 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).

491.9 MEDIA RELATIONS

The Watch Commander 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).

491.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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491.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

491.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

491.11.1 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.

491.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

491.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable

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to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

491.13.1 USE SUMMARY

The Patrol Captain or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

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491.14 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).

Medical Aid and Response

494.1 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.

494.2 POLICY

It is the policy of the Port of San Diego Harbor Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

494.3 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 Dispatch 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 Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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494.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

494.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

494.5.1 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. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

494.6 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.

494.7 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 Patrol Captain should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.

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- Ensure that no one smokes near the aircraft.

494.8 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).

494.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Port District Risk/Safety Member who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer. The data from the AED will be downloaded whenever possible before going back into the field.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

494.8.2 AED REPORTING

Any member using an AED will complete an incident report ("Sick and Injury Report") detailing its use as detailed in section 494.9 (see below).

494.8.3 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 Port District Risk and Safety Office 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).

494.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider and SOP 495 who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019):

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the LEMSAs.
- (c) In accordance with California Peace Officer Standards and Training (POST) standards.

494.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Designated Members

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should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

494.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

494.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

494.9.4 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).

494.10 REPORTING

Officers responding to a call of medical aid shall evaluate if a Sick and Injury Report is deemed necessary. Such factors to consider when deciding to document the medical aid call may be (but are not limited to) the following:

- If the incident is not formally documented in another report.
- If the incident needs documentation for liability evaluation by the District, or contract entity such as SDCRAA
- The officer believes it is in the best interest of the Department to document the incident.
- Harbor Police staff rendered First Aid or other medical assistance.

The Officer should document the medical call / incident in NetRMS under an Incident Report selecting "Miscellaneous Incident" heading and code section for the report, and list the injured party as the "Victim". Officers should also select the appropriate "Sick and Injury" section under special studies. The officer should fully document the incident to reflect what occurred, if medical attention or first aid was given, if the subject refuses treatment / evaluation by medical personnel, and any other relevant information. This report should stand alone, and not be dependant on other reports for documentation.

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494.11 FIRST AID TRAINING

The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

Naloxone ("Narcan") Specific Policy

495.1 PURPOSE

This Department procedure establishes guidelines for the proper use of intranasal Naloxone Hydrochloride by sworn personnel. The primary use of intranasal Naloxone shall be to provide immediate medical assistance where appropriate.

495.2 SCOPE

This procedure applies to all sworn members of the San Diego Harbor Police who have received training in the use of Naloxone.

495.3 BACKGROUND

Fentanyl is a potent synthetic opioid that is 30-50 times stronger than heroin and poses a great medical risk to the public, as well as law enforcement who may come in contact with it during the course of their duties. Even a small amount of Fentanyl that is ingested or comes in contact with a person's skin can lead to death. Recently, illicit sales of Fentanyl have greatly increased in the United States and there is an increasing likelihood of the public and law enforcement officers encountering the drug in the San Diego region.

Naloxone (trade name "Narcan") is a medication used for decades as an antidote used to reverse the effects of opiate overdoses. Applicable California law allows private persons and first responders to possess Naloxone and administer the antidote medication in cases of opiate overdoses.

495.4 TRAINING

- (a) Department sworn staff shall attend a mandatory training course and annual refresher training designated by the Department's In-Service Training/First Aid/CPR Instructor.

495.5 PROCEDURES

- (a) Guidelines for Use
 - (a) Department issued Naloxone Hydrochloride shall be readily available to sworn personnel.
 - (b) Officers/personnel carrying Naloxone Hydrochloride shall perform a basic assessment to determine unresponsiveness, absence of breathing and/ or pulse and perform CPR/First Aid as required.
 - (c) If officers/personnel determine the patient is likely suffering a medical emergency as a result of an opiate overdose, officers shall notify communication dispatch the patient is a potential overdose and request Emergency Medical Services (EMS) respond to the scene.
 - (d) Officers/personnel shall follow the administration protocol as set forth in their training to administer Naloxone. Once Naloxone is administered, EMS shall be called by dispatch and respond to the scene.

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- (b) Medical Treatment and Transportation
 - 1. Officers/personnel shall inform responding EMS/Paramedics that they have administered Naloxone and the number of doses used.
 - 2. Additional medical treatment and transportation to a hospital shall be at the discretion of paramedics. If the subject is transported to a hospital for treatment, officers shall respond to the hospital to brief medical personnel and gather the necessary information to properly document the incident.

495.6 REPORTS

- (a) Officers shall document the circumstances surrounding the use of Naloxone Hydrochloride on Department members or the public. The report shall include the serial number of Naloxone Hydrochloride used as well as all identifying information available for the assisted person.

495.7 MAINTENANCE AND ACCOUNTABILITY

- (a) Naloxone is a medication and, as such, must be monitored.
- (b) The Operational Support Administration shall issue and track doses of Naloxone Hydrochloride. Tracking shall include the serial number for each dose as well as the expiration date.
- (c) Naloxone Hydrochloride must be stored in a climate controlled environment. All Department members issued Naloxone Hydrochloride shall store the medication in the department issued carrier.
- (d) Department members requiring a replacement dose of Naloxone shall contact their patrol Lieutenants:
 - 1. In the case of a Department member who has found that they have lost or misplaced their department issued Naloxone, the Department member must complete an officer's report and have it reviewed by his or her supervisor in order to receive a replacement. Employees, who lose, misplace or damage issued medication through abuse or negligence shall be subject to discipline up to and including termination.
 - 2. In the case of a Department member who administers Naloxone Hydrochloride during the course of his or her duties, a copy of the report associated with the administration of the medication shall be turned in to the patrol Lieutenant in order to have a replacement dose issued.
 - 3. In the case of an expired dosage, the Department member shall exchange the expired dosage for a current dose. No report shall be required for such an exchange.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Port of San Diego Harbor Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 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

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

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 issued to all sworn staff. Each vest should be carried by staff where it is available for use and each officer shall maintain their vest in a serviceable condition.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Supply Clerk should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The San Diego Harbor Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

The Traffic Sergeant will be responsible for distribution of the CIM. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All injury traffic collision reports taken by members of this department, or any traffic collision report where there is felony prosecution associated with it, shall be forwarded to the Traffic Sergeant for review and approval. The Traffic Sergeant will be responsible for providing reports on traffic collision statistics as requested by the Patrol Captain, or to other persons as required.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING DISTRICT OR AIRPORT VEHICLES

Traffic collision investigation reports shall be taken when a District-owned or San Diego International Airport-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results.

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 San Diego Harbor Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander may request the assistance of the member city in which the collision occurred. Normally this will be the San Diego Police Department's Traffic Division.

502.4.3 TRAFFIC COLLISIONS WITH OTHER DISTRICT EMPLOYEES OR OFFICIALS

The Traffic Sergeant or on-duty Watch Commander may request assistance from a member city 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 PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. However, all collisions occurring on the Airport Operating Area (AOA) and the Terminal Link Road (TLR) will be documented as a collision report. Upon determining there were NO injuries sustained in the collision, Officers will

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obtain all necessary information to document the collision utilizing the CIM Report Narrative if there is reason to believe a Property Damage Only collision occurred.

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision
- (b) When a report is requested by any involved driver

The CIM Report Narrative can be utilized for Property Damage Only collisions, non-hospital transport, Complaint of Pain collisions, and no suspect/no follow-up Hit and Run collisions.

All other collisions involving an injury shall be documented utilizing the Collision Investigation Manual Investigation Narrative. (CIM pg. 7-5)

502.5 NOTIFICATION OF TRAFFIC TEAM SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Team. In the absence of a Traffic Sergeant, the Watch Commander or any supervisor may assign an accident investigator to investigate the traffic collision. Whenever possible, all serious injury and fatal traffic collisions should be investigated by a member of the Traffic Team, as well as any traffic collision investigations involving criminal prosecution.

If a traffic collision investigator is not on duty, the Watch Commander may attempt a call-in of a member of the Traffic Team. If no Harbor Police traffic collision investigators are available, the Watch Commander may request the assistance of the member city agency in which the collision occurred or assign any patrol unit to investigate the collision.

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Port of San Diego Harbor 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 an Arjis-11 (stored vehicle report) and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to Records 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 Dispatch.

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 an approved towing company from the rotational list. The officer will then store the vehicle using an Arjis-11.

510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

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510.3 TOWING SERVICES

The Unified Port District of San Diego maintains a rotational tow listing. A firm on this list will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action
- (b) When a vehicle is being held as evidence in connection with an investigation
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

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- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

510.7 RELEASE OF VEHICLE

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or person in control of the vehicle and after all applicable fees are paid (Vehicle Code §§ 22850.3 and .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.), 22652 (et seq.), 22850.3 and .5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) and impounded for 30 days shall be released at the end of the impoundment period only when the registered owner or agent presents his/her valid driver's license and proof of current vehicle registration, or upon order of a court (Vehicle Code § 14602.6(d)(2)).
- (d) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his or 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 (Vehicle Code § 14602.6(d)(1)):
 - 1. In response to a valid order of a court

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2. When the vehicle is a stolen vehicle
3. When the vehicle is subject to bailment and is driven by an unlicensed employee of a business establishment, including a parking service or repair garage
4. When the license of the driver was suspended or revoked for an offense other than those included in Article 2 (commencing with Vehicle Code § 13200) of Chapter 2 of Division 6 or Article 3 (commencing with Vehicle Code § 13350) of Chapter 2 of Division 6
5. When the vehicle was seized under this section for an offense that does not authorize the seizure of the vehicle
6. When the driver reinstates his or her driver's license or acquires a driver's license and proper insurance
7. To the legal owner when all of the following are met:
 - (a) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a security interest in the vehicle
 - (b) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle
 - (c) The legal owner or the legal owner's agent presents a copy of the documents specified in Vehicle Code § 14602.6(f)(3)

510.8 CORONADO BAY BRIDGE PROCEDURE

If the vehicle of a victim (such as a suicide or attempted suicide) is on the bridge, it is the responsibility of the CHP to impound the vehicle. If the CHP are unable to respond, or there is imminent danger of loss of life or injury, the Harbor Police may impound the vehicle with supervisors approval. This does not apply to tows/impounds resulting from self initiated activity.

510.8.1 NEGLIGENT VEHICLE IMPOUND PROCESSING FEE

California Vehicle Code Section 22850.5 grants authority to local jurisdictions, via ordinance to collect an administrative fee to cover those costs relating to the removal, impoundment, storage, and release of any vehicle towed by that jurisdiction. The fee would be charged for vehicles that are towed and/or impounded pursuant to California Vehicle Codes Sections 22651 et seq., 22651.5, 22652, 22653(c), 22655(a), 22669, 23109.2, 14602.6(a) and 14602.8(a).

Pursuant to California Vehicle Code Section 22850.5 and San Diego Unified Port District Code Section 8.29, the owner of any vehicle towed for one of the above-listed sections will be required to pay an administrative fee to the San Diego Unified Port District Harbor Police prior to obtaining a release for their vehicle.

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The legal owner, registered owner or an agent of that legal or registered owner who requests a post storage hearing for the vehicle(s) towed under this section will be required to pay an administrative fee. This fee will only be imposed if the owner or agent of the owner voluntarily requests a post storage hearing.

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 Port of San Diego Harbor 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 unless waived by the subject requesting the hearing. 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 Investigations Sergeant 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 Captain. The hearing officer will recommend to the appropriate Captain that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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 Port of San Diego Harbor 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.

514.2.1 TESTING OF CONSCIOUS PERSON AT A HOSPITAL

Most blood, breath and urine tests will be administered at one of the above designated facilities. However, if a timely breath or urine test cannot be administered because the person is transported to a medical facility where such tests cannot be facilitated, the person shall be advised that a blood test will be the only choice available and a blood sample may be taken at the medical facility (Vehicle Code § 23612(a)(3)).

Based on probable cause, the officer should place the conscious person under arrest in the presence of a witnessing officer or medical personnel and advise the attending physician of the intention to collect a sample of the person's blood. Unless the attending physician objects for medical reasons a blood sample will be collected in the prescribed manner.

514.3 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.4 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

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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.

514.4.1 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)).

514.4.2 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an 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)).

514.4.3 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.

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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.

514.4.4 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.

514.4.5 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).

514.4.6 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).

514.4.7 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).

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514.5 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.

514.5.1 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.

514.5.2 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.6 RECORDS SECTION 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.

514.7 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.

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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).
- (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.

Cost Recovery for Emergency Response to Operating Under the Influence of Alcohol and/or Drugs

515.1 PURPOSE AND SCOPE

Any person whose operation of a motor vehicle or vessel while under the influence of drugs or alcohol, proximately causes any incident resulting in an appropriate emergency response, places a financial burden on the Port of San Diego for the costs of said emergency response. It will be the policy of the Harbor Police Department to seek cost recovery for the emergency responses resulting in the arrest for operating a motor vehicle or vessel under the influence, as authorized in Government Code sections 53150 through 53159.

515.2 DEFINITIONS

Definitions used in this policy will be those outlined in Government Code Sections 53150 through 53159. Cost recovery will occur when an officer is dispatched to a call resulting in a DUI arrest of a driver or vessel operator and the arrested party was determined by the investigating officer to have caused the response to the incident. Typically, cost recovery will occur **ONLY** when an emergency response was reasonably required, based upon the totality of the circumstances known to the department at the time of the incident.

515.3 RESPONSIBILITIES

A. The responding officer will determine whether he or she has responded to an emergency response incident. Such incidents include but are not limited to, a wrongway driver, a driver slumped over the wheel, a "be on the lookout" (BOL) for a drunk driver or vessel operator, a vehicle blocking the roadway caused by an intoxicated driver and etc. Such situations inherently present a grave risk to the operator and other persons and are necessarily categorized as an emergency response.

B. In those cases requiring only a DUI investigation, and in any case where the DUI and collision investigation are completed by different officers, the officer investigating the collision case will be responsible for completing the Emergency Response Financial Recovery Worksheet for all Harbor Police Department personnel who respond and assist at the incident scene.

C. The on-duty watch commander or supervisor will be responsible for confirming the information and completeness of the worksheet and approving it, including regular and overtime hours. S/he will make a copy of the worksheet for the Harbor Police Department case file and will forward the original to the Administrative Captain.

D. The Administrative Captain will forward the completed worksheet to the Finance Department. The Finance Department will use the information provided on the worksheets to determine the responsible party's financial liability, and will initiate appropriate billing process(es) against the responsible party for recovery of the debt, up to a maximum amount of \$12,000 per incident.

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Cost Recovery for Emergency Response to Operating Under the Influence of Alcohol and/or Drugs

~~a. In addition to the above, one of the following must also apply in order for the District to bill upon arrest:~~

(1) Blood alcohol level of at least .08% or greater.

(2) A commercial driver driving a commercial vehicle with a blood alcohol level of at least .04% or greater.

b. A conviction for California Vehicle Code Sections 23152 or 23153, or greater offense is required when one of the following applies:

(1) A blood alcohol concentration verifier test returns a reading under .08%.

(2) A chemical test is positive for drugs only.

(3) There is no supporting blood alcohol concentration test or drug test (i.e., refusal).

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 Administrative Unit Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

Citation books will be supplied to officers by the Supply Clerk.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Patrol Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may request the Patrol Captain 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.

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 Division.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall complete the appropriate citation correction form and submit the citation, the correction form, and an envelope addressed to the recipient of the citation to Records via the patrol supervisor. Records personnel will mail a copy of the correction notice to the recipient.

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 Division.

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Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Department.

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:

(a) Administrative reviews are conducted by the issuing officer, who will review written/ documentary data. Requests for administrative reviews are available online at <http://duncan.imageenforcement.com/AdminReviewSites/SanDiegoReview>,

or via the mail to:

PO Box 129038, San Diego, CA 92112-9038 .

These requests are informal written statements outlining why the notice of parking violation should be dismissed.

(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)).
- (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).

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516.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must pay 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.

Disabled Vehicles

520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 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.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

72-Hour Parking Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Member City Ordinances regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of a Member City's 72-Hour Parking Ordinance shall be marked and noted on the Port of San Diego Harbor Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

524.2.1 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Dispatch 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 Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.1.1 DEFINITION OF DETECTIVE

Officer's and Corporal's assigned special assignment duties as Investigations and Intelligence Section Investigators will utilize the title of "Detective" for ease of recognition throughout the region.

Sergeant's assigned special assignment duties as Administrative Unit Investigators/Supervisors will utilize the title of "Detective Sergeant" for ease of recognition throughout the region.

The use of the title "Detective" shall not be seen as a change of class specification or duties, but only a change of title used to allow other law enforcement agencies and the public in general to better recognize the role of the Administrative Unit investigations personnel. This title shall be in effect for the duration of the special assignment.

600.2 PHOTOGRAPHIC IDENTIFICATION OF SUSPECTS

When practicable, the employee composing and the employee presenting the photo lineup should not be directly involved in the investigation of the case. When this is not possible, the employee presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

The following precautions should be taken by any employee presenting a photographic lineup:

- (a) The person of interest or suspect in the photo lineup should not stand out from the other persons depicted in the photos.
- (b) At no time prior to, during or after the presentation of a photographic lineup should it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense.
- (c) It is preferable that the employee presenting the photographs to a witness should not know which photograph depicts the suspect.
- (d) The employee presenting the photographs to a witness should do so sequentially (i.e., showing the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.
- (e) The position of the suspect's photo and filler photos should be placed in a different random order for each witness.
- (f) In order to avoid undue influence, witnesses viewing a photographic lineup should do so individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the photographic lineup with other witnesses.

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- (g) An admonishment should be given to each witness that the suspect's photograph may or may not be among those in the lineup and that the witness is not required to make an identification.

The procedure employed and the results of any photographic lineup should be documented in the case report. A copy of the photographic lineup presented to the witness should be included in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the appropriate report.

600.3 POLICY

It is the policy of the Port of San Diego Harbor Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.4 INITIAL INVESTIGATION

600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations and Intelligence Section 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.

600.6 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.

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- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment. Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

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Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Intelligence and Investigations Section Captain is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 - 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 - 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 - 3. Training requirements necessary for those authorized employees.
 - 4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 - 5. Process and time period system audits.
 - 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 - 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 - 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

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Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.10 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Captain or the Chief of Harbor Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault 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 Port of San Diego Harbor 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.

602.4 INVESTIGATION AND 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.

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602.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, 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.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (42 USC § 3796gg-8; Penal Code § 637.4).

602.4.2 VICTIM RIGHTS

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

Whenever there is an alleged sexual assault the assigned officer shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) Advise the victim of the right to have a victim advocate and a support person present at any interview by law enforcement as provided in Penal Code § 679.04.
- (c) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).
 1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
 2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

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602.4.3 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 or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.4.4 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, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits, other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, rape kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18 month period (Penal Code § 680(d)).

602.4.5 VICTIM NOTIFICATION OF DNA STATUS

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

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1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
1. To be informed if a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
 2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.4.6 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

602.4.7 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 Investigations and Intelligence Section supervisor.

Classification of a rape case as unfounded requires the Investigations and Intelligence Section 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/

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her original statement, there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.

602.4.8 AUDITING CASE DISPOSITIONS

The Investigations and Intelligence Section 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.

602.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations and Intelligence Section supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. This includes, but is not limited to, the following topics:
 - 1. Initial response to sexual assaults
 - 2. Legal issues
 - 3. Victim advocacy
 - 4. Victim's response to trauma
- (b) Qualified investigators who should receive advanced training on additional topics. This includes, but is not limited to, the following:
 - 1. Interviewing sexual assault victims
 - 2. SART
 - 3. Medical and legal aspects of sexual assault investigations
 - 4. Serial crimes investigations
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP)

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 Harbor Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Port of San Diego Harbor Police Department seizes property for forfeiture or when the Port of San Diego Harbor 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 Harbor 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 Port of San Diego Harbor 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 Port of San Diego Harbor 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.

606.4 FORFEITURE REVIEWER

The Chief of Harbor Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

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- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
 - 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
 - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 - 6. Any cash received is deposited with the fiscal agent.
 - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

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8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan that enables the Chief of Harbor 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).

606.5 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).

606.5.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Port of San Diego Harbor 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 §

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Asset Forfeiture

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.

606.6 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

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 Port of San Diego Harbor Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Port of San Diego Harbor Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 INFORMANT FILE SYSTEM

The Investigative Unit Sergeant or designee shall be responsible for maintaining confidential source files. A separate file shall be maintained on each confidential source.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned confidential source control number. A confidential source history form shall be prepared to correspond with each informant file and include the following information:

- (a) Confidential source's name and/or aliases
- (b) Date of birth
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or Other distinguishing features
- (d) Current home address and telephone number(s)
- (e) Current employer(s), position, address (es) and telephone number(s)
- (f) Vehicle(s) owned and registration information
- (g) Places frequented
- (h) Confidential source's photograph
- (i) Briefs of information provided by the confidential source and his/her subsequent reliability. If a confidential source is determined to be unreliable, the confidential source file is marked as "Unreliable"
- (j) Name of officer initiating use of the confidential source
- (k) Signed confidential source agreement
- (l) Update on active or inactive status of confidential source
- (m) Background check through CII, Wants/Warrants, and LECC

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(n) Approval from Probation/Parole

The confidential source files shall be maintained in a secure area within the Investigative Unit. These files shall be used to provide a source of background information about the confidential source; enable review and evaluation of information given by the confidential source; and, minimize incidents that could be used to question the integrity of detectives or the reliability of the Confidential source.

Access to the confidential source files shall be restricted to the Police Chief, Assistant Chief, Intelligence and Investigations Sections Lieutenant, Sergeant and an Investigative Unit Detective.

608.3 USE OF INFORMANTS

Before using an individual as a confidential source, an officer must receive approval from the Intelligence and Investigations Section Unit Sergeant, Investigative Lieutenant, and the Assistant Chief. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm and past criminal history.

608.4 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential source must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.4.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential source will be evaluated against the following criteria:

- The extent of the confidential source's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The confidential source's previous criminal activity.
- The level of risk taken by the confidential source.

The Intelligence and Investigations Section Unit Detective will discuss the above factors with their chain of command and arrive at a recommended level of payment that will be subject to the approval of the Assistant Chief of Police.

608.4.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential sources. No confidential source will be told in advance or given an exact amount or percentage for services rendered.

- (a) When both assets and drugs have been seized, the confidential source shall receive payment based upon overall value and the purchase price of the drugs.

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- (b) A confidential source may receive a cash amount for each quantity of drugs seized whether or not assets are also seized.

608.4.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The Harbor Police case number shall be recorded justifying the payment. The Assistant Chief of Police signature is required for disbursements over \$1000.00. Payments under \$1000.00 may be paid in cash out of the Investigative Unit Buy/Expense Fund. The Investigative Unit Sergeant will be required to sign the voucher for amounts under \$1000.00.

To complete the transaction with the confidential source the case agent shall have the confidential source initial the cash transfer form. The confidential source will sign the form indicating the amount received, the date, and that the confidential source is receiving funds in payment for information voluntarily rendered in the case. The Harbor Police Department case number shall be recorded on the cash transfer form. The form will be kept in the confidential sources file.

Each confidential source receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service as income.

608.4.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

608.5 POLICY

The Port of San Diego Harbor 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.

608.6 USE OF INFORMANTS

608.6.1 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:

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- (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 Harbor Police or the authorized designee

608.6.2 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 the Investigations Sergeant and Investigations Lieutenant before being finalized with the informant.

608.7 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 Harbor Police, Captain, Investigation Bureau supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Port of San Diego Harbor 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 Investigations Section 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 Bureau supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

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- (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.

608.7.1 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 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.

608.8 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 Bureau. The Investigation Bureau supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Harbor Police, Captain, Investigation Bureau supervisor or their authorized designees.

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The Intelligence and Investigations Section Captain 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 Bureau 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.

608.8.1 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

608.9 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

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The Investigation Bureau supervisor will discuss the above factors with the Patrol Captain and recommend the type and level of payment subject to approval by the Chief of Harbor Police.

608.9.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Investigation Bureau buy/expense fund.
 - 1. The Investigation Bureau 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 Harbor Police and the Chief Executive Officer 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) Port of San Diego Harbor 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.

608.9.2 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

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of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

608.9.3 AUDIT OF PAYMENTS

The Investigation Bureau supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Harbor 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.

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 Port of San Diego Harbor Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Port of San Diego Harbor 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 Port of San Diego Harbor 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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Brady Material Disclosure

612.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Unmanned Aerial System (UAS) Operations

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

Unmanned Aerial System Team (UAST) - Defined and described in Personnel section.

UAS Pilot/ Tactical Visual Observer (TVO)/ Flight Crew - Defined and described in Personnel section.

613.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives, property and detection of possible dangers that could not otherwise be seen. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

613.4 HPD DRONE TEAM LEADERSHIP

Program Coordinator

The Chief of Harbor Police will appoint a program coordinator (generally the MARTAC Lieutenant) who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

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Unmanned Aerial System (UAS) Operations

- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Harbor Police or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Harbor Police

UAST Coordinator

The Program Coordinator will appoint and oversee an UAST Coordinator.

The assigned coordinator shall serve as the supervisor of the UAST. The coordinator's duties shall include budget preparation, personnel selection, training and any other duties as necessary.

The coordinator shall assign a chief pilot to perform supervision duties on his/ her absence. In addition, the coordinator will complete the following as needed:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

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- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Harbor Police, or his/ her designee, as needed.

613.4.1 ORGANIZATION

(a.) The UAST shall be comprised of personnel assigned by the Chief of Harbor Police or his/her designee. The team shall include pilots, observers, and others deemed necessary.

(b.) Aviation operations are under the direct command of the MARTAC Lieutenant and his/her designated UAST Coordinator. The Coordinator will be a sworn member of the department and will report to the MARTAC Commander. The coordinator may already be a member of the MARTAC team.

(c.) The UAST will be comprised of sworn personnel trained in UAS operations and holding a collateral assignment with the UAST. Exceptions to the sworn personnel requirement can be made on a case by case basis by the Chief of Harbor Police, or his/her designee.

613.4.2 UAST FLIGHT CREW

1. Pilot

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Unmanned Aerial System (UAS) Operations

A. All personnel assigned to the team will be considered UAV pilots. Team personnel may be called upon to perform the duties of a UAS pilot or TVO (visual observer). UAS pilots must maintain proficiency as a pilot and VO.

B. The pilot's primary duty is the safe and effective operation of the Harbor Police UAS in accordance to the manufacture's approved flight manual, FAA regulations and Harbor Police procedures.

C. To fly a mission (other than flights required for initial training or currency) pilots must have completed three currency flights within the previous 30 days. Currency events include; takeoff, controlled flight and landing.

2. TVO/ Tactical Visual Observers

A. The TVO's primary function is to act as an airborne operations commander. The TVO will coordinate UAS operations with ground personnel.

B. The TVO will identify risks to:

- Officers
- The public
- Property
- UAS

C. The VO will take immediate steps to mitigate or avoid those risks.

613.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

613.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

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Unmanned Aerial System (UAS) Operations

The UAS shall not be weaponized.

613.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

613.8 SELECTION OF PERSONNEL

The selection process will follow the established guidelines set forth in HPD policy 1003. To be eligible for selection, **applicants must additionally have a valid FAA Part 107 certification** and driver's license to be considered a certified UAS pilot.

A list of successful applicants shall be submitted to the Chief of Harbor Police by the MARTAC/SWAT Commander for final selection.

613.9 UAS RESPONSE

On-duty UAS member(s) may be immediately dispatched to emergency situations with the approval of the Watch Commander. UAS member(s) may also be dispatched to calls that will require crime scene documentation.

Off-duty UAS members may be called in to respond to an incident when deemed necessary and approved by the MARTAC Lieutenant or Watch Commander.

A) Code-11: An incident requiring the response of UAS members that is not time sensitive.

B) Code-12: An incident requiring the response of UAS members that is time sensitive and requires a code-3 response.

C) UAS assist: An incident being handled by patrol personnel who require assistance from UAS members. This will be an incident that does not meet the criteria of a Code-11 or a Code-12. UAS members that are currently working can respond to a UAS assist.

613.9.1 DEPLOYMENT PRIORITIES

Several requests for UAS support may be received simultaneously. Given the limited UAS resources it is necessary to prioritize calls for service. Requests for UAS support will prioritize life and safety above evidence and documentation.

613.9.2 UAV MUTUAL AID

Deployment of the UAST in response to requests by other agencies must be authorized by the MARTAC Lieutenant or his/her designee.

613.9.3 UAS TRAINING

All members will complete a training plan that outlines objectives.

The approved training plan will be developed by the UAST Coordinator and the instructor pilots, with approval of the Program Coordinator.

Recurrent Training

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Unmanned Aerial System (UAS) Operations

Recurrent training for all pilots and TVOs will be conducted no less than once a month. The UAST Coordinator is and/ or the chief pilot responsible for organizing training sessions. Training will emphasize safety, respect for the law and privacy concerns, crew resource management, lessons learned from previous deployments, and the efficient completion of public safety missions.

All pilots must complete at least three currency events each month. The currency event must utilize a UAS currently deployed by the San Diego Harbor Police. Currency events include landings and takeoffs. Pilots out of currency may not participate in an actual public safety mission. Currency flights will be recorded in the pilot's log book.

Recurrent training is not limited to actual pilot skills, but includes knowledge of all pertinent unmanned aviation matters.

Failure to prove proficiency can result in removal from unmanned aviation responsibilities.

San Diego Harbor Police UAS's can be used to meet the training objectives set forth in the UAST training plan.

613.9.4 PRE-FLIGHT AND FLIGHT

It is the responsibility of the UAS pilot obtain all available information regarding the requested operation.

Pilots shall ensure that all FAA notifications have been made prior to conducting any flights.

Pilots shall use the aircraft's check list to conduct the UAS preflight checks.

Pilots are responsible for the operation of the UAS on the ground and in the air. Pilots will ensure no unauthorized items are attached to the UAS prior to deployment. During deployment, adequate clearance from the UAS will be maintained.

613.9.5 POST FLIGHT

A thorough inspection of the aircraft for damage shall be conducted.

If necessary, the aircraft will be serviced immediately and returned to a deployment ready state.

All flight log entries will be completed immediately following the conclusion of the operation.

All flight operations shall be documented.

The pilot is responsible for ensuring the UAS is repacked with all applicable equipment in its case.

613.9.6 MAINTENANCE

Minor problems not requiring grounding will be noted on the UAS flight log. A UAS maintenance form will be completed and forwarded to the UAST Coordinator.

Major problems requiring the aircraft to be grounded will be noted in the UAS flight log and a maintenance tag shall be affixed to the UAS clearly identifying it cannot be flown. A UAS maintenance form will be completed and forwarded to the UAST Coordinator.

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Unmanned Aerial System (UAS) Operations

Properly maintained UAS are essential to safe operations. Compliance with the manufacture's scheduled maintenance, preflight inspections, postflight inspections and the immediate repair of mechanical problems ensure the safety and availability of agency UAS.

The UAS pilot is the final authority on the airworthiness of the UAS.

613.9.7 WEATHER

Prior to each deployment of the UAS, the pilot shall obtain a current weather report.

Flights are prohibited in IMC (Instrument Meteorological Conditions), thunderstorms, or any other severe weather conditions.

Weather minimums are not applicable to indoor operations.

613.9.8 NIGHT TIME/ LIMITED VISIBILITY OPERATIONS

All night UAS operations shall be conducted in accordance to FAA regulations.

All UAS pilots and TVOs shall complete training in night flying illusions and physiology.

Warrant Service

614.1 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.

614.2 POLICY

It is the policy of the Port of San Diego Harbor 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.

614.3 WATCH COMMANDER

The Watch Commander (see the Operations Planning and Deconfliction Policy) shall review all Operation Plans with the involved supervisor to determine the risk level of the warrant service.

The Watch Commander 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.

614.4 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 Operations Plan 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).

614.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the Operations Plan and submit it to the appropriate supervisor and the Watch Commander 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 Watch Commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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Warrant Service

614.6 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).

614.7 HIGH-RISK WARRANT SERVICE

The Watch Commander 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) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

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- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

614.8 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.

614.9 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.

614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Watch Commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Watch Commander. The Watch Commander should review and confirm

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the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Watch Commander should ensure that members of the Port of San Diego Harbor Police Department are utilized appropriately. Any concerns regarding the requested use of Port of San Diego Harbor Police Department members should be brought to the attention of the Chief of Harbor Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If officers intend to serve a warrant outside Port of San Diego Harbor Police Department jurisdiction, the Watch Commander 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 Port of San Diego Harbor Police Department when assisting outside agencies or serving a warrant outside Port of San Diego Harbor Police Department jurisdiction.

614.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Harbor Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

614.12 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.

Operations Planning and Deconfliction

615.1 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.

615.1.1 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.

615.2 POLICY

It is the policy of the Port of San Diego Harbor Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

615.3 OPERATIONS DIRECTOR

The Chief of Harbor 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.

615.4 RISK ASSESSMENT

615.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

615.4.2 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.

615.4.3 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. (MARTAC / SDPD Emergency Negotiations Team)
 - 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. San Diego Police Department Property Room 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.

615.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The 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 no later 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.

615.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

615.6.1 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.

615.7 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.

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- (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 Dispatch 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 Dispatch, 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.

615.8 MARTAC / SDPD EMERGENCY NEGOTIATIONS TEAM PARTICIPATION

If the operations director determines that MARTAC / SDPD Emergency Negotiations Team participation is appropriate, the director and the MARTAC / SDPD Emergency Negotiations Team supervisor shall work together to develop a written plan. The MARTAC / SDPD Emergency Negotiations Team 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 MARTAC / SDPD Emergency Negotiations Team supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

615.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Harbor Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

615.10 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 MARTAC / SDPD Emergency Negotiations Team debriefing.

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615.11 TRAINING

The Training Sergeant should ensure officers and MARTAC / SDPD Emergency Negotiations Team team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Department issued property or equipment assigned for their use. To document reported damage to any Harbor Police Fleet Vehicle or Vessel under this section, Supervisors shall use the Vehicle or Vessel Condition Log.
- (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 Captain, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Harbor Police who will then forward the claim to the Finance Department.

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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 Captain.

700.5 TEMPORARY CUSTODY OF DEPARTMENT PROPERTY

In order to ensure the security and accountability of Department issued equipment the following procedures will be followed. In instances where employees are going to be away from the workplace for a period greater than eighty (80) consecutive hours for reasons other than approved annual leave, employees will be required to turn in the listed equipment if issued. The employee shall coordinate with their supervisor or watch commander to turn in the listed equipment for safekeeping prior to leaving on their last day of being in the workplace. If circumstances are such that the employee learns that they are going to be away from the workplace for greater than 80 hours and are off-duty or on days off, the employee will contact their supervisor or watch commander immediately and arrange to turn in the listed equipment as soon as possible. In instances where the employee is unable to return to work to turn in the listed issued equipment, employees will inform their supervisor of the current location of the equipment so arrangements can be made to collect and store it. The Chief of Police will designate a Captain responsible

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for coordinating the logistics for storage of the listed equipment and the return of the equipment immediately upon the employees return to their regular work assignment.

Any deviation from this policy must be approved by the Chief of Harbor Police or designee

Potentially qualifying leaves can include, but are not limited to the following: Worker's Compensation, Short and Long Term Disability, Military Leave, Family Medical Leave Act (FMLA), and Administrative Leaves.

The following Department issued equipment is subject to collection as described above:

1. Handgun(s)
2. Rifle
3. Uniform Badge
4. NFC Equipped Harbor Police Identification Badge
5. SAN ID
6. Department Issued Mobile Phone(s)
7. Laptop / Tablet
8. Handheld radio
9. Specialized Equipment (i.e. MARTAC Weapons/Gear, Dive Team Gear, Fire Gear, etc.)

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.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service.

702.2 POLICY

The Port of San Diego Harbor 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.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own PCD while on duty subject to the following conditions:

- (a) Carrying an individually-owned personal communication device is optional.
- (b) The device shall be purchased, used and maintained at the employee's expense.

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702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally-owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs, however, should not be used to replace regular radio communications.

- (a) PCDs shall be carried in a manner that keeps them secure.
- (b) PCD's may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g. inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.
- (c) Extended or frequent use of Department-issued PCDs or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

702.2.3 OFFICIAL USE

The use of personal communication devices may be appropriate in the following situations:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political/community events
- (f) Investigative stakeouts where regular phone usage is not practical
- (g) Emergency contact with outside agency or outside agency field unit equipped with PCDs
- (h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available

702.3 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (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.

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Personal Communication Devices

- (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). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Harbor Police or the authorized designee, may result in discipline.
- (f) Employees 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 employee having knowledge of such conduct shall promptly notify a supervisor.

702.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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, weapons and control devices shall be removed from a vehicle and properly secured in the department armory 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.

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:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves

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- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera
- Rapid Tactical Deployment Bag (Go Bag)

704.3.2 UNMARKED VEHICLES

An employee driving unmarked Department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera
- Rapid Tactical Deployment Bag (Go Bag)

704.3.3 CARRYING OF RAPID TACTICAL DEPLOYMENT BAG (GO) BAG

(a) Today's Law Enforcement Officer faces the real probability of finding themselves in a situation requiring a response to one or more heavily armed suspects. Experience has shown rapid response, proper training and equipment may dramatically decrease the scope and duration of the critical incident.

(b) In an effort to continue to provide officers with the equipment necessary for rapid and proper response, the Harbor Police Department has created Rapid Tactical Deployment Bags of "Go Bags." These bags will be placed in each vehicle and vessel likely to respond in the event of a critical incident.

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(c) The Go Bag is a black, numbered bag containing: two (2) PMAG Magpul M-4 magazines containing 60 rounds of 5.56 duty ammunition (30 rounds per mag), two (2) Glock magazines containing 30 rounds of .40 duty ammunition (15 rounds per mag), and one (1) Rapid Response Pack (trauma kit). Each Go Bag is sealed with a plastic, serialized lock to ensure each officer may quickly determine the kit is intact before use.

(d) Every on-duty officer shall inspect their vehicle (marked and unmarked) Go Bag prior to going in service. The officer will ensure the Go Bag is present and the plastic lock is intact.

(e) Any officer who discovers the Go Bag is missing, unsealed, or not serviceable must immediately notify a member of the Weapons Training Unit (WTU) and the officer's supervisor.

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter 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 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the District of Unified Port of San Diego to provide assigned take-home vehicles.

706.2 POLICY

The Port of San Diego Harbor 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.

706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify Dispatch for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees 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 shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate. Employees shall conduct a vehicle inventory prior taking it into service and resupply any missing items.

706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g. command staff, investigators).

706.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

706.2.4 INVESTIGATIONS UNIT VEHICLES

Use of vehicles assigned to the Investigations Unit shall only be used by non-investigative employees with the consent of the Investigations Unit supervisor. After hour use of Investigations Unit vehicles by personnel not assigned to the Investigations Unit shall be arranged by the Investigations Unit supervisor.

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706.2.5 AUTHORIZED PASSENGERS

Personnel operating Department-owned vehicles shall not permit persons other than District employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

706.2.6 PARKING

District owned vehicles should be properly parked in the Headquarters secure parking lot. Employees shall not park privately owned vehicles in any stall used for District owned vehicles, or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.2.7 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

706.3.2 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

706.3.3 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 appropriate stalls in the rear parking lot. Members shall not park privately owned vehicles in areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.4 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.3.5 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service"

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placards at all times. Civilian 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 Harbor 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 his/her regular assignment.

706.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

706.4.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Harbor Police or the authorized designee.

706.4.3 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Unified Port of San Diego 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.

706.4.4 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the County of San Diego is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of San Diego may be required

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to secure the vehicle at a designated location or the Department at the discretion of the Chief of Harbor Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a District vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Harbor Police or a Captain gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Harbor Police or Captains and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Harbor Police or Captains.
 - 4. When the vehicle is being used by the Chief of Harbor Police, Captains or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.

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- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Harbor Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

706.4.5 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Port of San Diego Harbor 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.

706.4.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and assure that overall maintenance is performed on a timely basis for their assigned vehicles. Cleaning 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 as arranged or approved by the department supervisor in charge of vehicle maintenance. In general all periodic maintenance will be conducted by Port District General Service staff at designated intervals.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will notify their supervisor explaining the service or repair.

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- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 UNMARKED VEHICLES - USE

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 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).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the appropriate Captain.

706.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting or returning to the District after an emergency does not qualify for this exemption and personnel using District owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a District owned vehicle upon the toll road shall adhere to the following:

- (a) All employees operating a District owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the District for any toll fees.
- (b) All employees passing through the Toll Plaza or booth during a response to an emergency shall draft a memo to their respective Captain with 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.

Fire Fighting Personal Protective Equipment

707.1 PURPOSE AND SCOPE

This policy establishes a program, designed to ensure the proper selection of Personal Protective Equipment (PPE), its maintenance, and a record keeping system that ensures that Harbor Police Officers receive the best available performance from their PPE, as per NFPA 1851. For the purpose of this policy, the Personal Protective Equipment ensemble includes:

- Helmet
- Hood
- SCBA Face Piece
- Turnout Coat
- Gloves
- Turnout Pants
- Boots

707.2 REFERENCES

- NFPA 600- Standard on Industrial Fire Brigades
- NFPA 1500- Standard on Fire Department Occupational Safety and Health Program, 2007 Edition
- NFPA 1971-Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2007 Edition
- NFPA 1972- Standard on Helmets for Structural Fire Fighting
- NFPA 1973- Standard on Gloves for Structural Fire Fighting
- NFPA 1994- Standard on Protective Ensembles for First Responders to CBRN Terrorism Incidents
- OSHA 29 CFR 1910.156- Fire Protection/Fire Brigades

707.3 RESPONSIBILITIES

The Training Department, specifically the Department Training Coordinator working with the Harbor Police Fire Training group, will be responsible for administrating this program.

707.4 RECORD KEEPING

The Fire Training group working with the Department Training coordinator will maintain a database which will track the location, maintenance history, and retirement schedule, of Department issued and non-issued personal protective equipment. The database will minimally include the following:

- Person to whom element is issued

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- Date and condition when issued
- Manufacturer and model name or design
- Manufacturer's identification number, lot number, or serial number
- Month and year of manufacture
- Date(s) and findings advanced inspection(s)
- Date(s) and findings of advanced cleaning or decontamination
- Reason for advanced cleaning or decontamination and who performed cleaning or decontamination
- Date(s) of repair(s), who performed repair(s), and brief description of repair(s)
- Date of retirement
- Date and method of disposal

707.5 PROTECTION FROM UNDUE EXPOSURE

Fires produce a myriad of toxic substances as part of the combustion process. Additionally, at many fires, Fire Fighters are exposed to hazardous materials that are in or around the fire scene. Because of this, PPE that has been used in fire fighting operations should be treated as any other potentially hazardous substance until they are properly cleaned. Therefore, soiled PPE shall not be stored in the locker room or in any other work space. As soon as possible after a fire fighting operation, soiled PPE shall be taken to the PPE cleaning area, (located in the Harbor Police Annex Building), and cleaned as per this policy.

PPE, even when "clean" shall never be stored in any area that is commonly used as a break area or as a workstation. PPE will be stored in the locker room in the designated racks or in other departmentally designated areas.

PPE shall never under any circumstance be taken home and laundered in a home washing machine or a public laundry. PPE may be taken from the worksite in certain circumstances, (IE: leaving from home for a training class), with prior department approval. In the instance where taking PPE away from the worksite is approved, the PPE is not to be stored in the home.

707.5.1 REPORTING PERSONAL PROTECTIVE EQUIPMENT HEALTH AND SAFETY CONCERNS

The Training Department shall report all personal protective equipment (PPE) health and safety concerns, if caused by a known or suspected design or manufacturing failure, to the PPE item manufacturer and certification organization in writing. The letter shall request written acknowledgment from the PPE item manufacturer and certification organization within 30 days.

707.6 PERSONAL PROTECTIVE EQUIPMENT SELECTION AND RECEIPT PROCESS

To ensure that the most correct Personal Protective equipment ensembles are selected for use by Harbor Police staff, the following procedures will be followed:

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- (a) **PPE Selection Committee:** A committee consisting of a minimum of three active Fire Instructors shall be convened when there is a need to purchase a new type or brand of PPE ensemble, replace any part of the ensemble, or re-evaluate the current issued ensemble or any part thereof. (This does not apply to the routine replacement of worn or retired gear as long as the direct replacement is still viable.) It will be the duty of the PPE Selection Committee to complete a risk assessment, research available PPE ensembles, solicit input from department members, and make a recommendation to the command staff for approval and purchase.
- (b) **Risk Assessment:** Prior to starting the selection process of structural fire fighting ensembles and ensemble elements, the PPE Selection Committee shall perform a risk assessment based upon the guidelines set forth in the current edition of NFPA 1971. The risk assessment shall include, but not be limited to, the hazards that can be encountered by structural/marine fire fighters based on the following:
 - 1. Type of duties performed
 - 2. Frequency of use of ensemble elements
 - 3. Organization's experiences
 - 4. Incident operations
 - 5. Geographic location and climate
 - 6. Likelihood of or response to CBRN terrorism incident
- (c) **Recommendation:** All PPE recommendations shall meet or exceed the most current version of NFPA 1971. Using the results of the risk assessment, staff input, and considering any mutual aid requirements if applicable, the PPE Selection Committee shall make a recommendation that includes all of the PPE element(s) specifications and its cost to the Command Team. Upon the Command Teams' approval, the procurement process shall be initiated.
- (d) **Procurement:** The specifications for the desired type/element of the PPE ensemble shall be specifically listed in the request for quote, (RFQ). Additionally, the RFQ shall specifically require that the PPE ensemble item meet or exceed the most current version of NFPA 1971, the manufacturer must provide proof of certification for any CBRN requirements, and the manufacturer must provide proof of NFPA 1971 compliance for the specific model being procured.
- (e) **Receipt:** Upon delivery, trained staff shall inspect each garment to ensure that the garment meets the specifications as set forth in the RFQ, that all manufacturer instructions/guides/warranties/technical data are included, and that the items were not damaged during shipping. Additionally, the PPE Ensembles will be inventoried and tagged at this time as specified below in the Issuing, Storage, and Retirement section of this policy.

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The Risk Assessment report shall be kept on file in the training department to aid in future decisions concerning the procurement of PPE for the Harbor Police Department.

707.7 PERSONAL PROTECTIVE EQUIPMENT MAINTENANCE PROCESS

All officers are expected to maintain and inspect their PPE to ensure that it is in a serviceable condition and ready for use on a daily basis. In addition to the individuals' responsibility to maintain their PPE, the department will ensure that there are available specially trained officers to ensure that PPE is properly maintained and cleaned on a department wide level. Selected members of the Fire Instructor Team shall be sent to a NFPA 1851 certified Technician course and will be designated as department PPE inspectors. These PPE Inspectors will be available to assist the individual officer with any questions or concerns about proper PPE maintenance as needed. The Fire Training Coordinator will be responsible for monitoring and tracking the inspector's activities and ensure that they receive any update training as required by the NFPA and/or OSHA.

The Fire Training Coordinator shall ensure that all PPE Ensembles are sent for cleaning and testing to a NFPA 1851 certified specialized cleaning and testing facility, at least annually, to ensure that all PPE components are performing as per the manufactures specifications. The Fire Training Coordinator shall issue "loaner" PPE gear to each officer while their personally issued gear is out for cleaning and testing. This "loaner" PPE gear shall be properly fitted and maintained as per this policy and NFPA 1851 and 1971 guidelines.

Additionally, whenever a PPE ensemble is used during a fire fighting operation, exposed to a hazardous substance, or otherwise soiled, it will evaluated by a trained member of the department and to determine whether the ensemble can be cleaned in house or if it should be sent out for professional cleaning. After cleaning, whether in house or by a certified off site facility, the PPE ensemble will be inspected by trained department personnel prior to being placed back into service.

If a PPE ensemble, or a part thereof, is exposed to any Chemical, Biological, Radiological, or Nuclear (CBRN) substance(s), the item(s) will be retired as per this policy once the exposure has been confirmed.

In the case where a PPE element has been exposed to a bio-hazard or CBRN substance, ensure that universal precautions are observed as needed and that the item(s) are properly bagged and/or marked.

707.7.1 INSPECTION PROCESS

While performing the inspection process, universal precautions shall be observed, as appropriate, when handling ensemble elements. Any ensemble elements that are found to be soiled or contaminated shall be cleaned or decontaminated before any additional inspection is initiated.

- (a) **Routine Inspection:** As a part of the daily inspection and after any use or service to the PPE ensemble, the inspector shall follow the guidelines set forth in NFPA 1851, 6.2.2.1 through 6.2.2.7. If a PPE ensemble or any part thereof is found to be soiled during the inspection with soot or other normal containments, then the item(s) shall

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receive a routine cleaning. If the item has been exposed to an amount of flammable liquid that soaks through the fabric, a bio-hazardous liquid, or fails any of the standards as listed in NFPA 1851, CH. 6, the item shall be taken out of service immediately and sent out for specialized cleaning and Advanced Inspection and testing.

- (b) **Advanced Inspection:** This inspection, testing, and advanced cleaning process shall be conducted at least annually, or as deemed necessary during the routine inspection procedure. The advanced inspection will be conducted by a certified service provider with whom the Harbor Police have contracted services.

707.7.2 CLEANING PROCESS

- (a) **Routine Cleaning:** Perform the following steps after each use:
 - 1. Brush off debris
 - 2. Rinse with water
 - 3. Lightly scrub item with soft bristle brush
 - 4. Spot clean, if needed
 - 5. Inspect item
 - 6. Clean again as necessary
- (b) **Advanced Cleaning:** If a routine cleaning does not sufficiently decontaminate the PPE ensemble or if routine cleaning is not sufficient to clean the item(s), it should receive advanced cleaning. Also, the PPE ensemble should be thoroughly cleaned to ensure peak performance at least every 6 months as follows:
 - 1. Examine manufacturer's label
 - 2. **Do Not Use** Chlorine bleach or chlorinated solvents
 - 3. Use cleaning solutions with a pH range of not less than 6.0 and not greater than 10.5
 - 4. No high velocity water jets such as power washers
 - 5. Clean and decontaminate protective ensembles separately from non-protective items
 - 6. Where shells and liners are separable, clean and decontaminate those items with like items i.e. shells with shells and liners with liners. Additionally, if the drag rescue device is removable from the turnout coat, remove and wash separately in a mesh bag.
 - 7. Clean hoods using either utility sink or machine procedures. Squeeze out excess water, but do not wring.

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8. Clean helmets shells, headbands, ear covers, crown straps and suspensions in a utility sink using mild detergent and water. Consult the manufacturer if strong cleaning agents are required. Do not use solvents to clean goggles or faceshields.
 9. Clean gloves in utility sink using mild detergent and water. Do not machine dry gloves.
 10. Clean footwear in utility sink using mild detergent, water and soft brush. Consult manufacturer for information on strong cleaning agents. Air dry footwear in well ventilated areas out of direct sunlight.
- (c) **Specialized Cleaning:** Whenever a PPE ensemble or any part thereof has been exposed to a bio-hazard or in the opinion of trained staff is too soiled to be sufficiently cleaned by the advanced cleaning method, it shall receive specialized cleaning. This cleaning will be done by a certified service provider contracted by the Department. All contaminated items will be bagged and marked with a description of the contamination material.

707.7.3 REPAIR PROCESS

When a PPE ensemble item becomes damaged, the user is responsible for reporting the damage to one of the trained department PPE inspectors or the Training Department. A trained inspector shall examine the effected item(s) and if deemed necessary, coordinate the repair of the item and assign a replacement to the officer. All repairs will be sent to a certified service provider contracted by the Department.

707.8 PERSONAL PROTECTIVE EQUIPMENT STORAGE, ISSUING, AND RETIREMENT

The Fire Fighting Training group working with the Training Department shall maintain a file of all the manufacturers' warranties, maintenance guides, usage guides, certifications, and storage recommendations. These files will be available upon request from any agency member for their review.

All PPE ensembles will be issued by the Fire Training Coordinator or his/her designee. All issued items will be inventoried, marked with a unique internal tracking number, and recorded into the departments' database.

Only items issued by this department are permitted to be attached or in anyway affixed to any part of the PPE ensemble.

707.8.1 STORAGE PROCEDURES

- (a) Replacement and loaner PPE ensembles: will be stored in a fashion that will allow for positive inventory control and in an environment that will limit the degradation of the PPE materials. All PPE elements shall be clean and dry before being placed in storage.

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- (b) Issued PPE ensembles: shall be stored in the fire equipment bags, in the designated areas of the locker room, Shelter Island Station, or the South Bay Sub-Station. All PPE elements shall be clean and dry before being placed in the fire bag. Leave the zippers of the bags partially open to limit condensation inside the bag when stored for extended periods of time.
- (c) In all instances the manufactures storage recommendations shall be followed.

707.8.2 ISSUING PROCEDURES

The following will be observed prior to putting the PPE ensemble into service:

- Helmet - Shall be equipped with a flashlight and goggles.
- Hood - Shall be test fit with the SCBA face piece and jacket to ensure completed coverage.
- SCBA Face Piece - The user shall be quantitatively fit tested by trained department personnel.
- Turnout Coat - Shall be professionally fitted by the vendor/manufacture and visually checked for proper fit upon receipt.
- Gloves - The wear shall show that the glove provides complete coverage on conjunction with the turnout coat and allows for a reasonable amount of dexterity.
- Turnout Pants - Shall be professionally fitted by the vendor/manufacture and visually checked for proper fit upon receipt.
- Boots - Shall be checked for proper fit and coverage along with the turnout pants.
- A copy of all the manufactures warrantee, instructions, and technical manuals will be provided to the officer at the time of issue.

707.8.3 RETIREMENT PROCEDURES

If the following instances are met, the effected PPE item will have "RETIRED" written on the item with permanent ink and it will be tagged with a brief explanation of why. The item will then be listed as such in the database until such time that the item can be disposed of. To dispose of a retired item, the item will be sent to the Districts Material Support division and marked for destruction. In the following cases, PPE ensemble items will be retired from service:

- If the item is 10 years old based on the manufacture date. (This does not include SCBA face pieces).
- If the item has been damaged and in the opinion of the repair facility cannot be repaired to manufacturer specifications, or if the cost of the repair exceeds that of the cost of a replacement.
- If the item has been exposed to a confirmed CBRN substance.

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- If the item has been exposed to a bio-hazard and in the opinion of the cleaning facility cannot be sufficiently cleaned, or if the cost of the cleaning exceeds that of the cost of a replacement.
- If the item is no longer deemed useful or is replaced by a more appropriate item.

707.9 EVENTS INVOLVING SERIOUS INJURY OR FATALITY TO AN OFFICER WHILE FIRE FIGHTING

Fire fighters depend upon their PPE Ensembles to protect them while engaging in firefighting and fire fighting training activities, and as such, questions can arise after an injury or fatality that may call the performance or proper use of the PPE ensemble into question. As such, the PPE ensemble should be considered as a source of evidence during the subsequent investigation into the cause of the injury or fatality.

Nothing in this policy is meant to supersede or hinder any rules of evidence in the event that the incident is determined as criminal in nature. In those instances, the PPE ensemble shall be treated as any other type of evidence in a criminal investigation.

For the purpose of this policy, a serious injury or illness is defined as per California OSHA, Chapter 3.2 Subchapter 1 Article 1, §330(h)- "Serious injury or illness" means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of Section 385 of the Penal Code, or an accident on a public street or highway.

In the instance that an officer suffers a serious injury, illness, or fatality while engaged in fire fighting operations and the cause of the incident may have been reasonably mitigated by the PPE ensemble, the following procedures shall be observed:

- (a) As soon as practical after the incident, the on scene supervisor will note what PPE elements the officer was wearing at the time of the incident either by observation or witness accounts. This information will be recorded in the supervisors' incident report along with the inventory numbers of each PPE ensemble element. The supervisor shall also note how much air was in the SCBA cylinder following the incident.
- (b) The entire PPE ensemble shall be photographed as soon as practical after the incident, prior to booking into evidence, to document its condition. These photographs should be handled as any other photographic evidence.
- (c) The entire PPE ensemble, including the SCBA harness and cylinder, will be taken as evidence and booked into the San Diego Police Department Evidence room. SDPD evidence booking procedures shall be followed as in any other case. Generally however, the PPE ensemble should be stored in either paper bags or cardboard boxes to prevent mildew, mold, or any other degradation of the PPE ensemble materials.

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- (d) The Training Department and/or the Fire Training Coordinator shall be notified of the PPE ensemble elements that have been placed into evidence so that the PPE database can be updated accordingly.
- (e) As soon as possible following the incident, all PPE components shall be sent to an authorized testing facility to determine as best as possible if the PPE elements were functioning as designed at the time of the incident. The PPE ensemble shall be taken to the department contracted testing facility. The SCBA harness, cylinder, and face piece shall be taken to the department contracted certification and repair facility. In both cases, the PPE shall be accompanied by an Officer to maintain the chain of evidence. Once the testing is completed, all items will be returned to evidence and the results will be provided to the lead incident investigator.
- (f) In the instance of a serious injury or illness, the PPE ensemble and SCBA components shall be maintained in evidence until such time that the Port Legal Department deem the matter as closed.
- (g) In the instance of a fatality, the PPE ensemble and SCBA components shall be maintained in evidence for a minimum period of ten years, absent any requests to retain the evidence by the Port Legal Department or contradictory court orders.

Mobile Command Center

709.1 PURPOSE AND SCOPE

The Department utilizes a District-owned Mobile Command Center (MCC) in a variety of applications operated by Department personnel. In order to maintain a system of accountability and ensure the Mobile Command Center is used appropriately, regulations relating to the use of this vehicle have been established. The control and operation of the vehicle described in this policy is in accordance with Government code 7070 and HPD policy 712, which regulate the use of military equipment.

709.1.1 USE OF MOBILE COMMAND VEHICLE

a. EMERGENCY EVENTS

The Harbor Police incident commander at any emergency situation may request that the MCC be driven to the scene or staging area as appropriate. Generally, a trained operator will be utilized to drive and set up the vehicle. In the event a trained operator is not initially available, one will be summoned to the scene as soon as practical. The trained operator(s) will also be responsible for returning the vehicle and all equipment to the Harbor Police Headquarters, as well as for any clean up or maintenance that is required.

b. PREPLANNED EVENTS

With approval from the coordinating supervisor, the MCC may be deployed to assist with events such as DUI checkpoints, labor disputes, or any other event where a central meeting place or additional communication equipment would be advantageous. For these events, at least one trained operator will be scheduled to drive and set up the vehicle as well as be available for the duration of the event. The trained operator(s) will also be responsible for returning the vehicle and all equipment to the Harbor Police Headquarters, as well as for any clean up or maintenance that is required.

c. EXERCISES

With approval of the Chief of Harbor Police or his/her designee, the MCC may be deployed to participate in training exercises. At least one trained operator will be scheduled to drive and set up the vehicle as well as be available for the duration of the exercise. The trained operator(s) will also be responsible for returning the vehicle and all equipment to the Harbor Police Headquarters, as well as for any clean up or maintenance that is required.

d. PUBLIC RELATION EVENTS

With approval of the Chief of Harbor Police or his/her designee, the MCC may be deployed to participate in public relation events such as parades and recruiting events. At least one trained operator will be scheduled to drive and set up the vehicle. It will be the decision of the event coordinator to determine if a trained operator will be needed to stay with the vehicle for the duration of the event. A trained operator will be utilized to return the vehicle and all equipment to the Harbor Police Headquarters, as well as for any clean up or maintenance that is required.

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e. MUTUAL AID REQUESTS

The MCC has been designated as a regional resource and can be made available for any mutual aid request as per policy #426.2. Generally, a trained operator will be utilized to drive and set up the vehicle. In the event a trained operator is not initially available, one will be summoned to the scene as soon as practical. The trained operator(s) will also be responsible for returning the vehicle and all equipment to the Harbor Police Headquarters, as well as any clean up or maintenance that is required.

709.1.2 OPERATOR CERTIFICATION

Any non-probationary sworn Harbor Police employee or Dispatcher can be designated a MCC operator after successfully completing the prescribed Departmental training. The position of MCC operator is a collateral duty.

a. PROGRAM MANAGER

The Chief of Harbor Police or his/her designee shall appoint a sergeant(s) and/or lieutenant(s) to be responsible for and oversee the MCC at his/her discretion. The appointee to this collateral duty shall complete all training as described in this section.

b. OPERATOR DRIVER TRAINING

MCC operators are required only to have a class C driver's license and as such are not required to have special training per California Department of Motor Vehicle standards. However, in an effort to provide Harbor Police Officers with the prerequisite knowledge and experience to safely drive the vehicle, potential operators will complete the department approved and administered training class.

c. COMMUNICATIONS AND COMPUTER SYSTEMS OPERATOR TRAINING

The MCC is equipped with several modes of communication equipment such as radio, internet data, video data, and voice over internet protocol (VOIP). Potential Operators shall complete the department approved and administered training to learn how to successfully use and troubleshoot these systems for efficient use during an event.

d. RAYTHEON ACU-1000 OPERATOR TRAINING

The Raytheon ACU-1000 is a radio and VOIP communication bridge that will generally be used by communications personnel when they are assigned to the MCC for an event. Because of the intensive training that is required to properly use this piece of equipment, only specifically designated personnel will be authorized to operate it. If during a mutual aid incident an allied agency requests the use of the ACU-1000 and a Harbor Police authorized operator is not available, personnel from the requesting agency can be allowed to use the equipment with the assistance of a department MCC operator. In that case, it will be the responsibility of the requesting agency to ensure that their operator has received the proper training and that they follow all protocols associated with its use.

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709.1.3 NETWORK CONNECTIVITY

The MCC is equipped with a router that has multiple methods of connectivity with the internet and the Port District Network. The router has been programmed to automatically find an available signal from the four available sources, CDMA Air card, GSM Air Card, LAN, and VSAT (satellite).

a. **CELLULAR DATA AND VOICE COMMUNICATIONS** During most events, network connectivity will be established using either the CDMA or GSM air card, depending on which network is available. The connection will be established automatically and can be used for the duration of the event.

b. **LAN DATA AND VOICE COMMUNICATIONS** The MCC has a LAN port on the exterior of the vehicle near the shore power connectors. In the event that a wired internet connection is available, one can be used for increased connection stability or where wireless connectivity is unavailable. Generally, this option would only be used while on district owned property through the Port District's network.

c. **VSAT (VERY SMALL APERTURE TERMINAL) SATELLITE DATA AND VOICE COMMUNICATIONS** In the event that there is a lack of connectivity through the wireless GSM and CDMA networks and no LAN connection is available, the VSAT system can be deployed. This is accomplished by manually turning on the VSAT receiver and raising the VSAT antenna. The VSAT will automatically acquire the satellite and establish a connection.

During an emergency event, authorization for the use of VSAT data shall be obtained as soon as practical from the Watch Commander as the usage fees can become quite expensive. During non-emergency events, VSAT data generally will not be used unless there is a specific need and with prior approval from the Watch Commander.

709.1.4 SUPPLIES

The MCC program coordinator(s) shall complete and maintain a comprehensive list of supplies that will be required to be stored in the MCC at all times. In addition to those supplies listed, event specific supplies can be added as needed for duration of that event, but will not be stored in the MCC. It will be the responsibility of the MCC operators to ensure that all needed supplies are present prior to deploying the MCC and for ensuring that all supplies are replenished when the MCC is returned.

709.1.5 DEPLOYMENT

The MCC program coordinators will prepare and maintain a list of possible deployment locations for both emergency and preplanned events on Tidelands. This list will also include available resources such as bathroom facilities, AC power, and wireless internet connectivity availability. This list will be made available to all MCC operators and department supervisors for their use in preplanning and response to events.

709.1.6 MAINTENANCE

The MCC's chassis' and generator's mechanical and electrical maintenance will be coordinated by the General Services Department as set forth in section 706.6 of this policy manual. The data and

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voice systems and related electrical systems shall be coordinated by the Information Technologies Department. If needed, both GS and the IT departments will coordinate with the manufacturer and or original builder of the MCC.

As set forth in section 706.7 of this policy manual, personnel shall report any damage to equipment associated with the MCC, (IE: remote camera's, flat panel monitors, and scene lighting) in the same manner as damage to the vehicle itself and the MCC program coordinator(s) shall be notified as soon as practical.

Cash Handling, Security and Management

710.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

710.2 POLICY

It is the policy of the Port of San Diego Harbor Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

710.3 PETTY CASH FUNDS

The Petty Cash Fund exists for the acquisition of materials, supplies and services when it is not otherwise feasible or practical to use a Procurement Card (P-Card) or the regular SAP FV60 process. The Harbor Police Department Records Unit designates the fund manager who is responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager. Reimbursement for expenditures from the Petty Cash Fund are subject to a maximum per voucher limit of \$99.99.

See Port of San Diego Administrative Procedure #127-130 for the list of expenditures eligible for reimbursement.

710.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require a brief memo be submitted with the Petty Cash Voucher certifying the reason the required receipt was not provided. Any Petty Cash Voucher submitted without required receipt is subject to denial of reimbursement.

It is forbidden to use the Petty Cash Fund to cash an employee's personal check, to advance cash to an employee in exchange for an "IOU", or to use the Petty Cash Fund to make change for an employee's personal use.

710.5 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

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Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

710.6 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Military Equipment

712.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). This Policy shall constitute the military equipment use policy required by the Government Code.

712.1.1 DEFINITIONS

For the purposes of this Policy only, the following definitions apply:

Governing body – The Board of Port Commissioners of the San Diego Unified Port District.

Military equipment – Any of a wide variety of items as defined by Government Code section 7070, subsections (c)(1) through (c)(16).

712.2 POLICY

It is the policy of the Port of San Diego Harbor Police Department that members of this department comply with the provisions of Government Code § 7071 and the provisions of this Policy 712 with respect to military equipment. The Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. While this Policy is wide ranging, it is not all inclusive. There may be instances wherein unpredictable critical incidents demand the need for the use of military equipment in a manner not explicitly outlined within this procedure. Authorized use shall be based on factors including the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time it was used.

712.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Harbor Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Port of San Diego Harbor Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.

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2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Harbor Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

712.4 MILITARY EQUIPMENT INVENTORY

A list of qualifying equipment for the Department has been added to the "attachments" portion at the end of this document.. It can also be found on the San Diego Harbor Police's website ([Harbor Police website](#)) under the "Transparency and Accountability section.

712.5 APPROVAL

The Chief of Harbor Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Harbor Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

712.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are

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providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

712.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Harbor Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Harbor Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

712.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

712.9 COMPLAINTS AND INQUIRIES REGARDING MILITARY EQUIPMENT

In some instances, the application and use of military equipment can cause questions and/or concerns for members of the community. It is of vital importance that community members' questions regarding the application and use of military equipment are addressed.

The San Diego Harbor Police Department is committed to full and fair investigation of citizen complaints. As such, the Department has internal procedures for thorough and impartial investigations of citizen complaints. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistent high level of integrity and efficiency maintained by the Department.

Complaints directly related to the application or use of military equipment shall be handled in accordance with HPD Policy 1019 Citizens Complaints.

Failures to follow this Policy or the law may result in criminal or administrative investigations or actions. Administrative action or discipline imposed as a result of a violation of this Policy will be administered in accordance with HPD Policy 1019 Citizens Complaints and state law.

Chapter 8 - Support Services

Dispatch

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Port of San Diego Harbor Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Dispatch and department members in the field.

800.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Watch Commander, command staff, Port District IT staff, and department members with a specific business-related purpose.

800.4 PRE-CALLING

It is necessary that field units and dispatch "pre-call" unit numbers as a matter of routine communications. For field units, pre-calling is the practice of announcing your unit number and waiting for a response from dispatch prior to transmitting your message.

800.5 UNIT TRACKING

- (a) It is the responsibility of the field unit to advise the dispatcher when it is in service and when and where it is out of service.
- (b) It is the responsibility of the field unit's supervisor to ensure the dispatcher is given this information.
- (c) It is the responsibility of the dispatcher to keep track of all field units when this information is received

800.6 DISPATCHING CALLS FOR SERVICE

Communications Center personnel are generally the first contact the public makes when requesting information or a police response. To ensure proper handling of calls for service, dispatchers will:

- Evaluate each complaint and take action that will ensure the most prompt, complete and efficient handling as possible
- Dispatch an officer / officers to all calls reporting a suspicious person

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- Dispatch an officer / officers on all calls that present a police hazard or which jeopardize the public safety, regardless of the complainant's desire not to become involved further than reporting the incident
- Notify the patrol supervisor of all pending calls which are priority 3 or higher

800.7 RESPONSIBILITIES

800.7.1 DISPATCH SUPERVISOR

The Chief of Harbor Police shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Patrol Captain or the authorized designee.

The responsibilities of the Dispatch Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.
 - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
 - 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current General Services on call number to be notified in the event of a utility service emergency.

800.7.2 ADDITIONAL PROCEDURES

The Dispatch Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

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- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (h) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).
- (i) Handling misdirected, silent and hang-up calls.
- (j) Handling private security alarms, if applicable.
- (k) Radio interoperability issues.

800.7.3 DISPATCHERS

Dispatchers report to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - 1. Emergency 9-1-1 lines.
 - 2. Business telephone lines.
 - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 - 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 - 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (e) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
 - 1. Vehicle pursuits.
 - 2. Foot pursuits.
 - 3. Assignment of emergency response.

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800.8 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

800.8.1 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

800.8.2 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

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800.9 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.

800.9.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Port of San Diego Harbor Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.9.2 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.

800.10 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Location of incident reported.
- Name, phone number, and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Identification of members assigned as primary and backup.

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- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

800.11 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

800.12 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch 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. Dispatchers shall try to minimize the transmission of confidential information over the radio when possible. Additionally, Officers in the field are reminded to show proper radio discipline (volume, etc.) when requesting or receiving confidential information to prevent its unauthorized release.

Consistent with CJIS Security Policy CJISD-ITS-DOC-08140-5.9, Personal Identifying Information (PII) shall only be transmitted while the RCS radio channel is operating in encrypted mode.

Property and Evidence

802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

802.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

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- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form 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.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

802.3.2 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

802.3.3 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Officer, or placed in the bicycle storage area until a Property Officer can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

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.

802.3.4 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).

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Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property Officer shall ensure the Records 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 Section Policy).

802.4 DISPOSAL OF EVIDENCE OR PROPERTY

When no longer needed for evidentiary purposes, all evidence shall be returned to its lawful owner unless title to the evidence is transferred to this or other jurisdictions by court order. If the lawful owner fails to claim the evidence or property, the Department may, as permitted under state law:

- (a) Destroy the property or evidence
- (b) Dispose of the property or evidence by public auction
- (c) Retain the evidence or property for use by the Department

All property or evidence retained for use by the Department must have the prior approval of the Administrative Captain.

802.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify item(s) to be released. Release of all property shall be documented on the property form, either the electronic or paper version.

Records Section

804.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Port of San Diego Harbor Police Department Records Section. The policy addresses department file access and internal requests for case reports.

804.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within Records by Records personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 0001 starting at midnight on the first day of January of each year. As an example, case number 11-0001 would be the first new case beginning January 1, 2011.

804.2 POLICY

It is the policy of the Port of San Diego Harbor Police Department to maintain department records securely, professionally, and efficiently.

804.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Port of San Diego Harbor 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 Administration Supervisor. The Administration Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administration Supervisor should forward the petition to the Investigations and Intelligence Section Supervisor and the District Office of the General Counsel for review. After such review and consultation with the District Office of the General Counsel, the Investigations and Intelligence Section Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administration Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

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804.4 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. 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 Section 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 Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

804.5 FILE ACCESS AND SECURITY

The security of files in the Records Section 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 Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Watch Commander.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Harbor Police as sensitive or otherwise requiring extraordinary access restrictions.

804.6 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section 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 Section procedure manual.

804.7 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Patrol Captain 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.

Restoration of Firearm Serial Numbers

806.1 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.

806.2 PROCEDURE

Any firearm coming into the possession of the Port of San Diego Harbor Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

806.2.1 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.

806.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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Restoration of Firearm Serial Numbers

806.2.3 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

806.2.4 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property officer will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form (ATC 3312.1-OBL) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

806.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Records Maintenance and Release

808.1 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.

808.2 POLICY

The Port of San Diego Harbor 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.).

808.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Harbor 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).

808.4 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.

808.4.1 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).

808.5 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 Harbor 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 Prosecuting Attorney, the District Office of the General Counsel, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).

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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).

808.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, District Office of the General Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

808.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

808.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

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When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

808.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

808.9 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (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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808.9.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 - 1. The date of the notice.
 - 2. Name and contact information for the Port of San Diego Harbor 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 Port of San Diego Harbor 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 Port of San Diego Harbor 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.

808.9.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

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3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
 - (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

808.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 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 Harbor Police or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

808.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

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808.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 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 Harbor 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.

808.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Harbor 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).

808.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

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- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

Protected Information

810.1 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 Port of San Diego Harbor 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.

810.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Port of San Diego Harbor 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.

810.2 POLICY

Members of the Port of San Diego Harbor 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.

810.3 RESPONSIBILITIES

The Chief of Harbor Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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810.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Port of San Diego Harbor 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.

810.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

810.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Records Supervisor
- (b) Full-time employees of the Records Section
- (c) Personnel specifically designated in writing by Captains with the concurrence of the Records Supervisor.
- (d) Members of the Investigations Unit.

810.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

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810.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

810.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

810.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

810.6 SECURITY OF PROTECTED INFORMATION

The Chief of Harbor 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:

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- (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 Harbor Police and appropriate authorities.

810.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

810.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

810.7.1 COMPUTER TERMINAL SECURITY

Any computer accessed by sworn personnel has access to automated criminal offender record information.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

810.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

810.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Supervisor, unless otherwise directed by the Administration Captain, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administration Captain may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

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The Administration will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

810.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

810.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

810.10 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

Computers and Digital Evidence

812.1 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.

812.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 - 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 - 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) Fill out an evidence seal and place it over the power cord socket. If an evidence seal is not available, use masking tape or something similar to prevent inadvertent start-up of the computer.
- (i) For laptop computers follow the steps above and fill out a second evidence seal and place it across the front of the laptop to prevent the laptop from being open and

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powered up. The additional seal is needed if the battery cannot be removed as outlined in step 814.2 (d) 2.

- (j) 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.
- (k) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

812.2.1 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.

812.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

812.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.

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- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the appropriate computer forensic personnel 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.

812.4 SEIZING PCDS

Personal communication devices such as cell phones, personal digital assistants (PDA's) or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. If possible, the device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and, if possible, keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

812.4.1 DIGITAL EVIDENCE SEIZED BY OFFICERS

(a) All digital storage media, communications equipment, PDA's, computers, and the like seized by officers shall be booked into the San Diego Police Department's evidence room as per Harbor Police

policy 804.

812.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

Harbor Police Policy 450 shall be referenced in conjunction with this policy relating to the retention and storage of digital audio recordings

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812.5.1 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.

Reference Harbor Police Policy 450 relating to the handling of digital audio recordings.

812.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders with removable storage media:

- (a) As soon as possible following the collection of evidence, the camera/recorder operator is to remove the memory card from their digital camera/recorder and place the card into a plastic carrier.
- (b) The recording media (smart card, compact flash card or any other media) shall be copied by the recording officer to a CD/DVD by use of Department provided duplicators.
- (c) Once the officer has verified that the images are properly transferred to the storage media, the officer will reformat the memory card for reuse. The CD/DVD will be marked as the original with the following information:

- 1. Name and identification number of the recording officer

- 2. The case number and date

- 3. Brief description of content, (suspect interview, photo's, surveillance video, etc.)

- (d) The original CD/DVD shall be logged into the Department's digital evidence log and placed into the lockbox outside of Investigations Division Office.

- (e) Officers requiring a copy of the digital files must request a copy from the Investigations Division.

812.5.3 DOWNLOADING OF DIGITAL FILES

Digital information recorded on devices using internal memory are not compatible with the Department issued duplicators and will need to be downloaded to a CD/DVD. The following procedures are to be followed:

- (a) Media files should not be opened or reviewed prior to downloading and storage.

- (b) Investigations personnel shall be the only personnel authorized to download internal storage media.

- (c) As soon as practical following an incident, the device should be given to an investigator so that the files on the device can be downloaded to a CD/DVD.

- (d) Media files shall not be altered in any manner prior to reproducing onto any CD/DVD. (e) Media files shall be copied directly from the storage media to the CD/DVD. If using a computer, files shall not be copied to individual workstations.

- (f) Prior to transferring to a CD/DVD, the electronic file (s) shall be given a name that at a minimum includes the date of recording.

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812.5.4 PRESERVATION OF DIGITAL EVIDENCE

Audio files from Department issued recorders, not considered evidentiary in value, may be copied onto a CD/DVD and given to the recording officer for storage for a period of a minimum of 180 days. Files exceeding 180 days may be destroyed.

1. Each officer shall be responsible for the safeguarding of his/her own non-evidentiary media files.
2. All file folders and CD/DVD's created by officers in their course of employment remain the property of the employer and are subject to inspection at any time in accordance with Harbor Police Policy.

812.5.5 PRESERVATION OF DIGITAL EVIDENCE

(a) Investigations Division personnel are authorized to copy original digital media that is held for safekeeping in the Investigations Division digital evidence locker. The original digital media shall remain in safekeeping with the Investigations Division and shall remain unaltered.

(b) Officers will not maintain any evidentiary media files after they have been forwarded to the Investigations Division for safekeeping.

(c) 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.

(d) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

(e) Media files under safekeeping by the Investigations Division will ensure any media files are destroyed along with associated police reports in accordance with the Port District destruction schedule.

(f) The use of any external or removable storage drive to maintain media files is unauthorized.

Chapter 9 - Custody

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Port of San Diego Harbor Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of 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.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after 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.

900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Port of San Diego Harbor Police Department facilities. Except in exigent circumstances, the search should be

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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.

900.4.1 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 Port of San Diego Harbor Police Department identification number and information regarding how and when the property may be released.

900.4.2 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.

900.5 STRIP SEARCHES

No individual in temporary custody at any Port of San Diego Harbor Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Port of San Diego Harbor Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Watch Commander.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.

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8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.5.2 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.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Port of San Diego Harbor 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 Port of San Diego Harbor Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Captain 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 Administration Captain 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)
- (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

1000.5 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.5.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions

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- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 18 years of age
- (d) Fingerprinted for local, state and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test or obtained a two-year, four-year or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.5.2 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)

1000.6 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

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- 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 PROBATIONARY PERIODS

The Administration Captain should coordinate with the Unified Port of San Diego 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.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the Harbor Police Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, assignment, and discipline, up to and including termination. The report also provides a guide for mutual work planning and review and an opportunity to assess skills and abilities into a more objective history of work performance based on job standards. The evaluation system is also an opportunity for the supervisor to provide mentoring and coaching.

1002.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and will be based on performance during that period. Generally, the employee's immediate supervisor will complete each annual evaluation and/or quarterly summary.

Other supervisors directly familiar with the employee's performance during the rating period will be consulted by the immediate supervisor for their input. The employees' assigned supervisor will be responsible for the annual evaluation.

All department supervisory personnel will be sent to a Peace Officer Standards and Training (POST) approved supervisory course that includes training on the completion of performance evaluations. This training generally occurs within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical and prior to the end of the evaluation period, advise the employee in writing, as appropriate (i.e. Station File entry, Quarterly Summary, Counseling Notice, and/or Letter of Reprimand) in order to provide an opportunity for the employee to improve their performance. The employee will be provided the opportunity to initial or sign any such writing and respond in writing, if desired.

Failure to meet established performance standards is justification for a "Needs Improvement" rating. Rating factors that are not observed, or do not apply, will be denoted as "Non Applicable" or are assumed to be performed at a "Meets Standards" rating.

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.

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All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1002.4 FULL TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to two (2) types of performance evaluations: Regular - For civilian employees, performance evaluations will be due once each year, generally by the employee's immediate supervisor on the anniversary of the employee's date of hire. For employees who have been promoted, an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion. A Sworn Employee Performance Evaluation will be completed once each year, generally by the supervisor assigned the sworn employee's annual evaluation. The annual evaluations will be due within 45 days of 1 January of each new calendar year. Exceptions are noted in Section 1002.3 of this policy. Promotion/Transfer - If an employee is promoted or transferred to another assignment to another in the middle of an evaluation period, a performance evaluation will be completed by the assigned supervisor within 45 days after the promotion/transfer.

1002.5 QUARTERLY SUMMARIES/QUARTERLY SUMMARY QUESTIONNAIRES

Sworn personnel assigned to the patrol division will receive four quarterly summaries during the course of each year. Employees will receive these quarterly summaries from their immediate supervisors at the end of every quarterly shift.

Officers will complete a quarterly summary questionnaire at the end of every quarterly shift and turn them in to their immediate supervisor. This ensures the employee has input into their quarterly summary and thus ultimately their performance evaluation.

Throughout the course of the year the quarterly summaries and the quarterly summary questionnaires will be kept in the officer's station files. Quarterly summaries and quarterly summary questionnaires will be forwarded to Human Resources for final disposition at the end of the annual review period.

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1002.5.1 QUARTERLY SUMMARY INTERVIEW

When the supervisor has completed the quarterly summary, arrangements will be made for a private discussion of the quarterly summary and the quarterly summary questionnaire with the employee. The supervisor should discuss the results of the most recently completed quarterly summary and clarify any questions the employee may have. Based on employee feedback, the supervisor may make appropriate changes to the quarterly summary.

Areas denoted as "Needs Improvement" and any goals for reaching the expected levels of performance should be identified and discussed. The supervisor may also provide relevant counseling regarding advancement, attaining specialized positions, and training opportunities. The supervisor and employee will sign and date the quarterly summary.

1002.6 RATINGS

Description

When completing the Sworn Employee Annual Performance Evaluation, the evaluator will place a numeric number (1=Needs Improvement, 3=Meets Standards, and 5=Exceeds Standards) in the box that corresponds to every performance anchor and performance sub-anchor. The definition of each rating number category is as follows:

Needs Improvement (1) -a level of performance that is less acceptable of what is expected of an employee and less than the standards required of the position. A "Needs Improvement" rating must be explained in the comments section and thoroughly discussed with the employee.

Meets Standards (3) -a level of performance of the majority of employees. It means satisfactory performance that meets the standards required of the position.

Exceeds Standards (5) -a level performance of an employee that exceeds the standards/performance anchors of most employees. It means the employee consistently exceeds the standards required of the position. Any "Exceeds Standards" rating must be explained in the comments section.

1002.6.1 DISCRIMINATORY HARASSMENT FORM

Once the supervisor has completed the preliminary annual evaluation, arrangements will be made for a private discussion of the evaluation between the supervisor and employee. The supervisor should discuss the results of the most recently completed rating period and clarify any questions the employee may have. Based on employee feedback, the supervisor may make appropriate changes to the evaluation. The performance evaluation will then be forward through the chain of command for approval before being returned to the employee for their signature. Areas denoted as "Needs Improvement" and any goals for reaching the expected levels of performance should be identified and discussed. The supervisor may also provide relevant counseling regarding advancement, specialized positions, and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the Employee Comments section of the performance evaluation report. Appeals to the performance evaluation must be filed within 30 days to the next supervisor in the employee's chain of command.

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Evaluation of Employees

1002.6.2 EVALUATION REVIEW

The evaluator (typically a sergeant) will meet with their supervisor (typically a lieutenant) to discuss the final performance evaluation prior to it being served to the employee. The

evaluator's supervisor shall review the performance evaluation for fairness, impartiality, uniformity, and consistency. The evaluator's supervisor will evaluate the supervisor on

the quality of ratings given.

1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file with the Human Resources Department in accordance with retention policies. A copy will be provided to the employee.

Special Assignment Selections

1004.1 PURPOSE AND SCOPE

- (a) The purpose of this standard operating procedure is to provide guidelines to be used when special assignment selections are made from sworn Harbor Police personnel.
- (b) Per Article 5, Section 2 of the M.O.U., exceptions to this procedure are provided for under District management rights.

1004.1.1 DEFINITIONS

- (a) Special Assignment:
 - 1. A special assignment is a full-time work assignment not generally considered to be a patrol or airport rotating shift assignment.
 - 2. Collaterally assigned duties, and duties which require additional training of the type not required by law for all 830.1 PC officers, are not considered to be special assignments.
- (b) Temporary or Acting Assignments:
 - 1. A selection to fill a vacant position until a limited or permanent selection may be made. There will be no standing selection list for special assignments.

1004.2 BACKGROUND

M.O.U., Article 24, Section 1, Mission of District in pertinent part It is the exclusive right of the District to exercise control and discretion over its organization and operations. It is also the exclusive right of the District to direct its employees and determine the personnel by which the District's operations are to be conducted.

1004.2.1 DURATION OF SPECIAL ASSIGNMENTS

Assignment		Length
NTF Unit-SDIA	-	4 years
Canine Handlers ¹	-	4 years
Bay Control	-	4 years
MTF Unit-ICE	-	4 years
Profession Standards Unit ²	-	4 years
Investigations	-	4 years
Training	-	4 years
Regional Academy Training Officer	-	3 Academy Classes
DHS	-	4 years
JTTF	-	4 years

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- (a) The K-9 handlers will have a minimum 4-year commitment with working life of the canine as the maximum commitment. If the canine should meet its working life before the 4-year minimum, the handler will get a new canine and remain in the unit for the working life of that canine.
- (b) Although the Professional Standards Unit is listed as a Special Assignment for purposes of definition and duration, the application of the selection protocols outlined in this policy remain at the discretion of the Chief of Harbor Police for this particular billet.

1004.2.2 TEMPORARY SELECTION APPLICANTS

If an applicant for a special assignment has been "temporarily selected" to any special assignment, the period of the temporary selection will not reduce the general duration of the special assignment for which the applicant has applied. The period of the temporary selection will be included as "time returned to rotating shift assignments" before being assigned to another special assignment.

1004.2.3 SPECIAL ASSIGNMENT TIME EXTENSION

When approved by the Chief of Harbor Police, and for the good of the department, special assignments may be extended in six (6) month increments, to be reviewed at the expiration of each six (6) month period, as special circumstances require.

1004.3 ELIGIBILITY REQUIREMENTS

Generally the minimum eligibility requirements to be considered for a special assignment will be as follows:

- (a) **Probationary Status:** The applicant must not be in a probationary status. This does not include an applicant on probationary status as the result of a promotion.
- (b) **Seniority:** The applicant must have completed a minimum of three years of employment with the Harbor Police Department. Time spent in the police academy is counted toward the three-year minimum.
- (c) **Reassignment Waiting Period:**
 - 1. The applicant must have returned to patrol and airport rotating shift assignments for a minimum of one year before applying to another special assignment.
 - 2. In the event less than 3 applicants apply for a special assignment, the Chief of Harbor Police may waive the one-year reassignment prohibition and/or extend the deadline to apply.

Other known and potentially disqualifying conflicts with concurrently held collateral duties, special assignments, or differential compensations.

1004.3.1 TEMPORARY REMOVAL FROM SPECIAL ASSIGNMENT

- (a) If an officer is removed from a special assignment prior to the expiration of the special assignment due to department needs, and is able to return to the same special

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assignment within one (1) year of removal, the officer may return to the special assignment for the balance of the term remaining.

- (b) If an officer is removed from a special assignment prior to the expiration of the special assignment due to department needs, and is unable to return to the same special assignment within one (1) year of removal, the waiting period specified in Section V.A. (1)c. is waived and the officer may apply for any open special assignments.

1004.4 ANNOUNCEMENT OF SPECIAL ASSIGNMENT

Generally, special assignment positions will be announced via inter-staff communication and by E-mail, at least 30 days in advance of the deadline for application. The announcement will include:

- (a) The eligibility requirements to be considered for the special assignment.
- (b) The date and time deadline to apply.
- (c) The name of the ranking member(s) of the department who is (are) responsible for:
 - 1. Receiving applications.
 - 2. Coordinating the procedure for making the selection(s) and forwarding a written recommendation to the Chief of Harbor Police.

1004.5 APPLICATION FOR SPECIAL ASSIGNMENTS

Application for special assignments will be made by written inter-staff communication.

- (a) Successful completion of all eligibility requirements must be described in the application.
- (b) All applications will have a primary supervisor's written review to ensure the applicant meets the minimum qualifications for the special assignment attached to it.

1004.6 SELECTION BOARD COMPOSITION AND SELECTION CONSIDERATIONS

Generally, the selection board will be comprised of the members listed below. However, if scheduling needs arise, the Chief of Harbor Police may modify the composition of the selection board to accommodate department needs.

- A Human Resources Department representative, whose responsibility it will be to insure a fair, unbiased, selection process.
- A member of the Harbor Police Department who is currently assigned, or has previously been assigned, to the special assignment for which the selection board has been convened.
- A member of another law enforcement agency who is currently assigned, or has previously been assigned, to the same or a similar type of assignment for which the selection board has been convened.

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- The ranking member of the Harbor Police Department who is responsible for the selection and the forwarding of a written recommendation to the Chief of Harbor Police, or a ranking member designee.

The following factors will be considered when selecting sworn personnel for departmental special assignments. There is no prioritization associated with this list.

- (a) Prior Special Assignment(s)
- (b) Special assignment(s) previously performed by the applicant
- (c) Related Experience and Training
- (d) Applicable occupational and educational factors, including those acquired both before and while employed with the Harbor Police Department
- (e) Performance Evaluations -District required annual performance evaluations.
- (f) Current Supervisor's Review of Recent Performance
 1. If the applicant's most recent performance evaluation was completed more than six (6) months prior to his or her application for a special assignment, the applicant's primary supervisor shall describe, in a department inter-staff memorandum, the applicant's recent performance in the current rating period for the special assignment. Prior to submitting the performance review, the author shall discuss its contents with the applicant who shall initial each page.
- (g) Selection Board Interview:
 1. The selection board will assess the candidate's presentation and responses to the prepared interview questions.

1004.7 SELECTION BOARD RECOMMENDATION/NOTIFICATION OF APPLICANTS

The selection board will recommend an applicant(s) for the special assignment to the Chief of Harbor Police. The Chief of Harbor Police shall review the recommendation and make a final decision.

Notification of Applicants:

- (a) Selected Applicant(s): Selected applicants will be notified prior to notifying non-selected applicant(s).
- (b) Non-selected Applicant(s): Non-selected applicant(s) for the special assignment will be notified after the selected applicant(s) have been notified. Non-selected applicant(s) will have the option of a private, individual briefing, by a Harbor Police member of the selection board to detail the factors that resulted in non-selection.

1004.8 REMOVAL FROM SPECIAL ASSIGNMENT

Officers in special assignments may be removed from their assignment at anytime if:

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- (a) The officer's job performance or any performance evaluation while in a special assignment is rated unacceptable, or
 - Where the officer is unable to perform the job responsibilities in an effective and efficient manner, or
 - For the good of the Department, or
 - The officer submits a voluntary request for removal, which is approved by the Chief of Harbor Police.

If removal from the special assignment is involuntary and results in a loss of special assignment pay, the officer removed shall receive due process accorded by law.

If removal from the special assignment is involuntary and does not result in a loss of special assignment pay, the officer removed may request a review of the removal by the Chief of Harbor Police or his/her designee. The decision of the Chief of Harbor Police or his/her designee shall be final.

1004.9 POLICY

The Port of San Diego Harbor 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 Harbor Police.

Reporting of Employee Convictions

1009.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Administration Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Administration Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1009.2 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.

1009.3 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.

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1009.4 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 Harbor 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 Harbor Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

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.

1009.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Drug- and Alcohol-Free Workplace

1011.1 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).

1011.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1011.3 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).

1011.3.1 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.

1011.3.2 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.

1011.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are at any department sanctioned event or training where there is a meal break (whether this break is on department time or not) shall not purchase, manufacture, distribute, dispense, possess or use any controlled substances or alcohol during any meal break. The lawful

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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).

1011.5 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.

1011.5.1 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1011.6 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.

1011.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

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- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

1011.8 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).

1011.9 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.

Sick Leave

1013.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the District personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1013.2 POLICY

It is the policy of the Port of San Diego Harbor Police Department to provide eligible employees with a sick leave benefit.

1013.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1013.3.1 NOTIFICATION

All members should notify the Watch Commander or on duty supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1013.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1013.5 REQUIRED NOTICES

The Director of Human Services shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1013.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Communicable Diseases

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1015.1.1 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 Port of San Diego Harbor Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1015.2 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1015.2.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report no later than 24 hours following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1015.2.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information to complete an employee injury package:

- (a) Name of the employee(s) exposed.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.
- (e) Source of material or person.

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- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (e.g., clean-up, notifications).

Supervisors shall ensure that every employee potentially exposed to a communicable disease through the puncture of a syringe is transported to UCSD Medical Center - Urgent Care/ Emergency Care for treatment and counseling in accordance with Health and Safety Code 121060 and Harbor Police policy 1016.5. The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

It is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

1015.2.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the District's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1015.2.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

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1015.2.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1015.3 POLICY

The Port of San Diego Harbor 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.

1015.4 EXPOSURE CONTROL OFFICER

The Chief of Harbor Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 - 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 - 2. Bloodborne pathogen mandates including (8 CCR 5193):
 - (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.

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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 should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1015.5 EXPOSURE PREVENTION AND MITIGATION

1015.5.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

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1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1015.5.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1015.6 POST EXPOSURE

1015.6.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1015.6.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited.

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The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1015.6.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1015.6.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1015.6.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

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Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the District Office of the General Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1015.7 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1015.8 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1017.1 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 Port of San Diego Harbor 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.

1017.2 POLICY

The Port of San Diego Harbor 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).

Personnel Complaints

1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Port of San Diego Harbor 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.

1019.1.1 DEFINITIONS

- (a) **Inquiry:** Contact by a member of the public regarding an issue of concern of a minor nature or the questioning of a policy or procedure of the department, which would not generally constitute a complaint. Most inquiries, if immediately addressed can be resolved to the satisfaction of the member of the public. A concern that is not satisfactorily resolved may become a complaint.
- (b) **Category I Personnel Complaint:** Any citizen complaint that alleges criminal actions, discrimination, false arrest, excessive force or racial/ethnic slurs against an employee.
- (c) **Category II Personnel Complaint:** Any citizen complaint that alleges procedure, courtesy, conduct, service, or other action of a minor nature against an employee.
- (d) **Administrative Investigation:** An investigation of a complaint or allegation made against an employee, whether on or off duty, which involves a violation of Department policies and procedures, Port District Rules and Regulations, or any Federal, State or local laws.
- (e) **Criminal Investigation:** An investigation of a complaint or allegation made against an employee, whether on or off duty, which involves alleged criminal activity shall be deemed a criminal investigation. The Administrative Investigation will be conducted separately from the Criminal Investigation. The Administrative Investigator will monitor the progress of the Criminal Investigation.
- (f) **Department Review:** Department Review is triggered whenever an employee of the Department or another law enforcement agency is the complainant. Generally, the Department Review involves the review of compliance with Department Policies and Procedures. Investigations being handled internally will be conducted in accordance with Government Code Section 3300, et seq.
- (g) **Employee Grievances:** The investigation of employee complaints regarding the interpretation or application of District personnel policies and practices or the application of any negotiated agreement or any law, rule or regulation governing personnel matters for which there is not another administrative appeal process. Employee grievances should be handled according to District Administrative Procedure Section 128-260. When departmental personnel conduct Employee

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Personnel Complaints

Grievance investigations, Administrative Investigation protocols should generally be followed.

1. District Human Resources department shall investigate employee complaints of harassment or discrimination and may also conduct administrative and employee grievance investigations in-house or by utilizing external investigators. Such investigations will apply Government Code Section 3300, et seq. (POBR) to the extent necessary and afforded by law.
- (h) **Administrative Investigators:** The Chief of Harbor Police shall select Administrative Investigators, who are trained and responsible for conducting or supervising administrative investigations. Investigators are authorized by the Chief of Police to cross all chains of command during the course of an investigation.
- (i) **Professional Standards Unit Lieutenant:** Responsible for assigning and overseeing all complaints and investigations. This responsibility includes working with the Investigator to ensure each case is properly and thoroughly investigated, in a timely manner.
- (j) **Classification of Complaint:** The Chief of Harbor Police, or his or her designee shall have final authority to determine whether an issue is classified as an Inquiry, a Category I, or Category II Personnel Complaint.

1019.2 POLICY

The Port of San Diego Harbor 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.

1019.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1019.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

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Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused employee. Watch commander will document action taken and forward to the Administrative Captain.

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 employee or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1019.3.2 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.

1019.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1019.4.1 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.

1019.4.2 INVESTIGATIVE PROCEDURE - CITIZEN'S COMPLAINT

- (a) Immediately upon receipt of a Citizen's Complaint, the on-duty supervisor or ranking officer shall:
 - 1. Ensure that any alleged misconduct has ceased, and
 - 2. Prevent the loss of evidence and statements.

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If the allegation is such that it could result in disciplinary action against the employee if proven true, the investigator, supervisor, or ranking officer should apply all applicable rights in accordance with Government Code Section 3300 et. seq., prior to any interview.

(b) The on-duty supervisor or ranking officer will:

1. Advise the complainant of his or her liability per 148.6 of the Penal Code and request that he or she sign the Complaint Form. If the complainant declines to sign the Complaint Form, the supervising employee should make a notation on the form that the complainant declined to sign the Complaint Form and shall write "Refused" in the space for the complainant's signature. The complaint will be investigated whether or not the complaint form is signed.
2. Obtain a complete statement from the complainant. All statements obtained from the complainant shall be recorded. If the complainant refuses to be recorded the complainant's statement will be written out by the on-duty supervisor who will then request the complainant to read it, approve it as to content, and sign his or her name signifying the written statement is accurate.
3. Advise the complainant, if over the telephone, the conversation is being recorded. The complainant shall be read the 148.6 Penal Code Admonishment and a notation made on the form that the complainant verbally acknowledged that he or she understood the admonishment. Advise the complainant he or she can request a copy of his or her statement.
4. Evaluate the allegation to determine whether the Complaint should be forwarded through the investigative process as a Category I or Category II Complaint, or if the Complaint may be handled as an "Inquiry."
5. Evaluate the allegation to determine whether to immediately begin an investigation. If an immediate investigation is not required, he or she shall submit the completed Public Complaint & Commendation form and recording to the PSU Lieutenant.
6. If an immediate investigation is required, the on-duty supervisor or ranking officer will assume responsibility for conducting the investigation until relieved by proper authority. Immediate investigation is required if the investigation would be jeopardized by delay.
7. If the complaint involves a Category I allegation the ranking officer will immediately notify the PSU lieutenant. This notification will then be communicated through the chain of command to the Chief of Harbor Police.
8. When an immediate investigation is not necessary, however, and the PSU Lieutenant assigns the case to a supervisor or manager, that person shall assume personal responsibility for conducting the investigation. The Chief of

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Harbor Police has final authority for the assignment of the investigation of complaints.

9. The designated PSU Lieutenant is responsible for assigning an investigation number.

1019.4.3 CRIMINAL ALLEGATION PROCEDURES

- (a) If a criminal violation is alleged, a decision should be made as to which investigation (criminal or administrative) has priority. Generally, a criminal investigation will take precedence. Major incidents or instances of high public scrutiny may require immediate administrative action. However, to maintain integrity and consistency in the process, administrative decisions should generally trail the criminal investigation to the extent possible.
- (b) If a complaint against an officer of the Harbor Police is both an allegation that the department rules were violated and an allegation of criminal conduct, the investigation will be bifurcated (separated/divided).
- (c) The criminal investigation will then be completed separately from the administrative investigation. At the discretion of management, an investigator from outside the department or from another law enforcement agency may complete the investigation.
- (d) If a determination has been made that the administrative investigation will not interfere with (if applicable) a pending criminal investigation, the investigating officer may conduct an Internal Affairs interview in accordance with the following procedures.

1019.4.4 OFFICER INTERVIEW

- (a) An interview notice describing the general nature and scope of the investigation will be completed and sent to the employee prior to any interview in compliance California Government Code Section 3303 (b) and (c).
- (b) The employee shall be given their Peace Officer Bill of Rights pursuant to Government Code Section 3303 et seq. When it is possible that an officer may be charged with a criminal offense, the employee shall be advised of his or her "Miranda" rights pursuant to Government Code Section 3303(h).
- (c) All interviews shall be recorded. The original recording will be kept with the original investigative packet in a locked and secured filing cabinet.
- (d) The recording will begin with the investigator providing the following information:
 1. Date and time
 2. Name of all people present and officer in charge
 3. Purpose of interview, nature of the allegations

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- (e) Civilian Employees: In order to maintain Department consistency and fairness civilian employee interviews will generally be conducted in the same manner as sworn personnel.

1019.4.5 ADMINISTRATIVE REASSIGNMENT

In accordance with section 3300 of the Government Code, the Chief of Harbor Police may reassign an employee if necessary, pending completion of an investigation. The Executive Director of the Port, at the request of the Chief of Harbor Police, may impose Administrative Leave with pay pending the completion of an investigation. This action may also include revocation of police officer powers.

1019.4.6 FINAL INVESTIGATION REPORT

The Administrative Investigator will complete a final report, which will be organized in the following manner:

- (a) Organization - Investigation binders will be separated into six (6) different categories as follows:
 - 1. Investigative Report includes: Source of Complaint, Summary, Conclusions and Findings
 - 2. Relevant Department Instructions
 - 3. Subject officer(s) statement transcripts
 - 4. Witness statement(s) transcripts
 - 5. Case attachments
 - 6. Investigator's Insights - The Investigator may uncover training opportunities or process improvements that he or she may note in this section.

1019.4.7 CASE DISPOSITION

During the course of the investigation the Investigator will continually apprise the PSU Lieutenant of relevant and important case updates. Prior to submitting a final report the Investigator shall meet with the PSU Lieutenant to brief him or her on the proposed case disposition. The completed and final investigative report will be submitted to the PSU Lieutenant for review.

The PSU Lieutenant will review the final investigation and either approve the Investigator's case findings by initialing and dating each one or reject the proposed findings pending further investigation or case rewrites. Any disagreement between the Investigator and PSU Lieutenant about case findings not resolved before submitting the final product to the PSU Lieutenant will be elevated to the Administrative Captain for resolution.

All final investigations will be submitted to the Administrative Captain for review and further processing.

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1019.4.8 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

1019.4.9 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).

1019.4.10 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).

1019.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Harbor Police or the authorized designee.

1019.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1019.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Harbor Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

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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.
 - 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Captain or the Chief of Harbor Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Harbor Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1019.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

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Source of Complaint - Include how investigation assigned, the initial date and origin of the complaint, the alleged misconduct, the applicable law and/or policy violations, and the subject employee(s) involved.

Summary - Provide a summary of the facts obtained through witness and subject interviews, information obtained through other investigative means and evidentiary material.

Conclusions - Analyze the facts obtained during the investigation, assess the credibility of the witnesses and draw a conclusion as to what occurred.

Findings - For each allegation charged the investigator should lay out in the form of a question whether or not the subject employee did what he or she is accused of; the applicable policy or rule language; an analysis of the actions or behavior determined during the fact-finding part of the investigation; and, conclude with the formal finding the facts support, such as: Sustained, Not sustained, Exonerated, or Unfounded.

Case Attachments - In the binder (or computer case file or Evidence.com) separately tab and label the case evidence (e.g., recordings, photos, documents).

1019.6.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1019.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

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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.

1019.6.5 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.

1019.7 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Harbor Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Harbor 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 Port of San Diego Harbor 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.

1019.8 POST INVESTIGATION ADMINISTRATIVE CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Captain shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Captain shall determine the disposition of any allegations and the amount of discipline, if any, to be imposed. Generally, progressive discipline will be followed.

Prior to making a determination the Captain may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

Prior to serving the subject employee with notice of proposed discipline the Captain shall include all relevant materials supporting the determination and forward to the District's Human Resources Director and the District's General Counsel for review. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

The Captain shall provide 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 Section 3304 (d)). The Captain shall also provide the employee with access to all the materials considered by the Captain in recommending the proposed discipline.

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1019.9 POST INVESTIGATION CHIEF OF HARBOR POLICE RESPONSIBILITIES

In the event disciplinary action is proposed, the Chief of Harbor Police shall provide the employee with a pre-disciplinary procedural due process (Skelly) hearing. With respect to the hearing:

(a) The employee shall have an opportunity to respond orally or in writing to the Chief of Harbor Police within five days of receiving the notice.

1. Upon showing of good cause by the employee, the Chief of Harbor Police may grant a reasonable extension of time for the employee to respond.

2. If the employee elects to respond orally, the presentation may be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

Once the employee has completed his/her response or if the employee has elected to waive any such response, the Chief of Harbor Police shall consider all information received in regard to the recommended discipline. The Chief of Harbor Police shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Harbor Police has issued a written decision, the discipline shall become effective.

1019.10 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Harbor Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Harbor Police to consider.
- (d) In the event that the Chief of Harbor 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 Harbor Police on the limited issues of information raised in any subsequent materials.

1019.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

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1019.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1019.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Harbor 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 Harbor Police shall be final.

1019.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1019.15 REQUIRED REPORTING TO POST

The Chief of Harbor 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:

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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 Port of San Diego Harbor Police Department based on allegations of conduct by an officer.

The Chief of Harbor 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).

1019.15.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Harbor Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 1. A narrative of the allegations
 2. Date and time of incidents
 3. Location of occurrence
 4. Any witness information, if available
 5. Summary of arrest or indictment of involved officer
- (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 Harbor 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 Harbor 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.

1019.15.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

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- (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.

Seat Belts

1021.1 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).

1021.1.1 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.

1021.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1021.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1021.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Harbor 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.

1021.5 POLICY

It is the policy of the Port of San Diego Harbor Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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1021.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1021.7 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.

1021.8 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.

Body Armor

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1023.2 POLICY

It is the policy of the Port of San Diego Harbor 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.

1023.2.1 USE OF SOFT BODY ARMOR

- (a) The Department requires all on-duty uniformed officers to wear soft body armor.
 - 1. Exceptions:
 - (a) Uniformed administrative officers while working inside the headquarters building or any other Harbor Police satellite facility. However, soft body armor must be worn when leaving said property.
 - (b) Uniformed officers publicly participating in any ceremonial event (i.e. Parade)
 - (b) Sworn administrative officers wearing business clothing are not required to wear soft body armor. However, when assigned to a , stakeout, service of arrest warrant(s), or, are serving a search warrant, the wearing of a body armor is mandatory.
 - (c) A stakeout, for purposes of this section, is a pre-planned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

Body armor must be either department-issued or department-approved.

1023.3 ISSUANCE OF BODY ARMOR

The Training Sergeant shall ensure that body armor is issued to all officers when the officer begins service at the Port of San Diego Harbor Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Department designee 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. Sworn staff, shall notify the department designee if they discover their vest is worn to the point of becoming compromised. Sworn staff should also verify their vest is current and not expired. If they find their vest is expired or nearing expiration they should contact the department designee to arrange replacement.

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1023.3.1 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1023.3.2 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1023.4 RANGEMASTER RESPONSIBILITIES

The Weapons Training Unit Supervisor should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

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1025.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1025.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1025.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Harbor Police as a permanent record of a sworn officer's employment with this Department.

Station File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

1025.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set

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forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the Chief Executive Officer, District Office of the General Counsel their designees, or other attorneys or representatives of the District in connection with official business.

1025.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Watch Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1025.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved officer or written authorization of the Chief of Harbor Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1025.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Harbor

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Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of Internal Affairs files or Human Resources Investigative files which have not been sustained against the employee

1025.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1025.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.
 - 1. It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
 - 2. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's department file.
- (c) Disciplinary action:
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file in compliance with Port District Policy, Established Personnel Rules, Memorandums of Understanding between the District and bargaining units, as well as State Law (San Diego Unified Port District Policy 371, the District's Records Retention Schedule, and any operative Memorandum of Understanding - MOU).
 - 2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file five years (Penal Code § 832.5).

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3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years Government Code § 3305).
1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
 2. Any such employee response shall be attached to and retained with the original adverse comment.
 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (e) All records will be retained in compliance with San Diego Unified Port District Policy 371 and the District's Records Retention Policy.
- (f) Personnel Action Reports reflecting assignments, promotions, and other changes in the employee's employment status shall be retained for 3 years after the employee's separation from employment with the Port.
- (g) A photograph of the employee shall be retained for 3 years after the employee's separation from employment with the Port.

1025.7.2 STATION FILE

The Station File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.
 2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

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3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be non-retained in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the station file.
- (c) Station files will be retained for 2 years in accordance with the Port District's records retention policy.

1025.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Harbor Police. Access to these files may only be approved by the Chief of Harbor Police or the supervisor of the Professional Standards Unit. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition
 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
 2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than 5 years from the final disposition of the investigation per Port District Policy 371 and the Port District Records Retention Schedule.
- (b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

1025.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Training 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 employee's training file.

1025.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

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- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or 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 which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1025.8 NON-RETENTION OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be non-retained no sooner than five years from the final disposition of the investigation / complaint. (Port District Policy 371, District Records Retention Policy, and Penal Code § 832.5)

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be non-retained no sooner than than five years from the final disposition of the investigation / complaint. (Port District Policy 371, District Records Retention Policy, and Penal Code § 832.5)

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Harbor Police.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development.

Request for Change of Assignment

1027.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1027.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded through the chain of command to their Captain.

1027.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1027.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Captain of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Captain. If the Watch Commander does not receive the Change of Assignment Request Form, the Captain will initial the form and return it to the employee without consideration.

Commendations and Awards

1029.1 PURPOSE AND SCOPE

- (a) To honor Department employees who are recognized for achievements and acts that go beyond that which would normally be expected in the course of their duties. To also honor citizens or officers from other law enforcement agencies who provide an exceptional service to the San Diego Harbor Police Department
- (b) To establish criteria and a procedure by which commendations and awards / medals will be granted.
- (c) To establish a periodic Awards Banquet where those employees receive awards / medals and are formally recognized.
- (d) "Employees" for the purposes / context of this policy only, are sworn, non-sworn, part time, and volunteer members of the Department.

1029.2 POLICY

It is the policy of the San Diego Harbor Police Department to recognize sworn and non-sworn police employees, police units, and citizens who perform outstanding acts of heroism, certain designated professional achievements, or quality service delivery by recognizing individuals with an award.

- (a) The Awards committee will receive memorandums of recommendations for recognition. They may conduct an investigation into the circumstances or facts surrounding the nomination for these awards, including other awards given by outside agencies, police publications, or organizations. They will review all reports submitted and recommend awards to the Chief of Harbor Police .
- (b) The awards and commendations referred to in this order do not restrict or limit awards presented to employees by civic organizations or other agencies.
- (c) Only Department awarded and issued citation bars are authorized for display on an employees uniform.

1029.3 PROCEDURE

- (a) 1. Awards Committee
 - (a) The Department shall have an Awards Committee chaired by a Captain or Lieutenant, appointed by the Chief of Harbor Police
 - (b) The Awards committee will be comprised of at least one representative from the following employee classifications: Lieutenant, Sergeant, Police Officer and a full-time civilian employee. Each sitting member of the Awards Committee will have one vote. Members may vote as proxy for absent members.
 - (c) The Committee Chairperson or their designee will be responsible for the following duties:

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1. Receive recommendations for awards, and prepare copies for committee members
 2. Convene a meeting of the committee when necessary to consider recommendations from the previous months.
 3. Receive award requests from outside agencies, police publications, or organizations involving Department members or units.
- (d) The Awards Committee will meet regularly as scheduled by the Committee Chair, and review all recommendations. The committee will make recommendations to the Chief of Police for medals and/or awards based on the material provided.
2. Recommendations:
 - (a) Any employee may submit a recommendation for recognition for another employee via the Chain of Command to the Chief of Police. These recommendations may be based on information initiated by a department employee or citizen. Supervisors at each level will have the opportunity to make comments. It is not the responsibility of the Awards Committee to make recommendations or nominations for recognition, but rather consider recommendations from employees with first hand or exceptional knowledge of the event, such as a supervisor or coworker.
 - (b) Letters of appreciation received from citizens may be used as a basis for a commendation. If no recommendation or commendation is completed, then the letter of appreciation will be routed to the appropriate command staff, and then to the employee via their supervisor. The letter will be filed in the employees station file until the annual evaluation is completed. A letter acknowledging receipt of the citizen's appreciation letter will be sent to the citizen from the Department.
 - (c) The San Diego Harbor Police Department Commendation memo will be used to make all recommendations. All supporting documents will be attached to the memo. These documents may include, but are not limited to: unit/incident histories, police reports, and memorandums.
3. Awards / Medals
 - (a) The commendation or recognition will be presented if the Awards Committee determines that a commendation meets the necessary criteria. This recommendation will be sent to the Chief of Harbor Police who will be the final approval authority and make a formal notification to the employee or citizen. (See Section V for criteria to receive department commendations and awards / medals.) Awards/medals include:
 1. Medal of Valor
 2. Police Star
 3. Distinguished Service Medal
 4. Police Medal

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5. Harbor Police Memorial Award
 6. Lifesaving Medal
 7. Police Chief's Medal
 8. Citizen Heroism Medal
 9. Distinguished Citizen Service Award
 10. Meritorious Unit Bar
 11. Officer of the Year Bar
 12. Dispatcher of the Year Bar
 13. Civilian of the Year Bar
 14. Volunteer of the Year Bar
 15. Marksmanship Bar
 16. Other awards deemed appropriate by the Awards Committee and approved by the Chief of Police.
- (b) Department Awards / Medals will be awarded to the employee at the earliest possible time.
- (c) A copy of the award/medal nomination and/or citation will be signed or initiated by the employee then placed into his/her station file. The award/medal nomination and/or citation will be forwarded to the employee's personnel file with their annual performance evaluation.
- (d) Recommendation for a NEW Medal or Award
1. Any employee may request or recommend the creation of a new award or medal by submitting a written proposal to the Awards Committee, explaining the justification and criteria for the new award or medal. The committee may request the employee to make an oral presentation to a committee meeting.
 2. The Committee will vote on the request and send their recommendations to the Chief of Harbor Police who will have the final approval authority.

1029.4 PRESENTATION OF COMMENDATIONS, AWARDS/MEDALS

- (a) All Department Awards/Medals will be presented at the earliest possible date.
- (b) Medal / Awards
1. Recipients of Department Medals will receive:
 - (a) Medal with neck ribbon
 - (b) Citation Bar (for uniform wear)
 - (c) Written Citation

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2. Recipients of the Distinguished Citizen Service Award will receive:
 - (a) A plaque and / or
 - (b) Written Citation
3. The Chief of Harbor Police may authorize the issuance of special event bars for employees participating in events or incidents that are unusual in nature. The Chief of Police will determine the style and color of all medals and bars, and accoutrements for second / third awards.

1029.5 CRITERIA FOR COMMENDATIONS AND AWARDS/MEDALS

- (a) 1. **Commendations:** Commendations are written documentation that record acts performed by Department employees (sworn or non-sworn) who perform their duties in a manner which is beyond that which would normally be expected. A commendation may result from observations made by Department employees or citizens. An act that results in a commendation may receive further consideration for Department awards/medals.
2. **Department Awards / Medals:**
 - (a) **Medal of Valor:** Highest medal awarded for bravery. Recommendation for this medal will be based on the following criteria:
 1. The act was performed displaying extreme bravery while the employee was consciously facing imminent injury or death. This act must include the actual risk of life and the nominee having had to evaluate the risk, no matter how brief.
 2. The act was necessary to prevent the death or serious injury to him/herself or another person.
 3. The employee did not use poor judgment or procedures that created the necessity of the act.
 4. The employee did not willfully violate department policy or procedures while performing the act.
 - (b) **Police Star** - Second highest medal awarded for bravery. Recommendations for this medal will be based on the following criteria:
 1. The act was performed displaying bravery under conditions likely to result in serious injury or death to the employee. The act must include the nominee having had to evaluate the risk, no matter how brief.
 2. The act was necessary to prevent death or serious injury to him/herself or another person(s).
 3. The employee did not use poor judgment or procedures that created the necessity for the act.
 4. The employee did not willfully violate department policy or procedures while performing the act.

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- (c) **Distinguished Service Medal** - Awarded for exceptional performance, which is above that normally expected. Recommendations for this medal will be based on the following criteria:
 - 1. The service contributed significantly towards the Department achieving its goals and objectives.
 - 2. The service significantly impacted the department in a positive manner.
 - 3. The service required a great deal of personal responsibility and initiative.
- (d) **Police Medal** - Awarded to employees who incur a serious injury. Recommendations for this medal will be based on the following criteria:
 - 1. The injury incurred while the employee was acting in an official capacity.
 - 2. The employee received an injury, which could have resulted in serious injury or death.
 - 3. The employee did not use poor judgment or procedures that caused the injury.
 - 4. The employee did not willfully violate department policy or procedures while performing the act.
- (e) **Harbor Police Memorial Award** - An award that is given to the next of kin to honor an employee who died under the following circumstances:
 - 1. The employee died from an injury or illness sustained while acting in an official capacity.
 - 2. The employee received the injury or contracted the illness while acting in a manner that would otherwise qualify him/her to receive the Medal of Valor.
- (f) **Lifesaving Medal** - Awarded to recognize lifesaving. Recommendations for this medal will be based on the following criteria:
 - 1. The victim or victims must have been in peril, and would likely have perished without the employee's DIRECT involvement.
 - 2. Examples of lifesaving include, but are not limited to: Cardiopulmonary Resuscitation (CPR), the Heimlich Manuever, emergency childbirth, giving lifesaving instructions over the phone, accident rescues, etc...
 - 3. The victim(s) must survive.
- (g) **Police Chief's Medal** - Awarded to recognize a significant arrest or investigation, which greatly contributed to the safety of the public.

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1. The arrest/ investigation resulted in the arrest of an extremely dangerous subject(s), who more than likely would have continued committing severe crimes against the public.
 2. Other exceptional acts of skill, conduct, or professionalism.
- (h) **Citizen's Heroism Medal** - Awarded to citizens or officers from other law enforcement agencies for bravery or life-saving actions. Recommendations for this award will be based on the following criteria:
1. Action(s) displaying extreme courage under conditions likely to result in serious injury or death.
 2. Action(s) necessary to prevent the death or serious bodily injury to a Port employee or a citizen on Port property.
 3. The victim or victims must have been in peril, and would likely have perished without the citizen's direct involvement.
 4. The recipient was not involved in illegal or unsafe activity, which created the necessity of the act.
- (i) **Meritorious Unit Bar** - Awarded to any unit within the Department for meritorious service in the performance of their duties.
1. The service may be for one significant incident or outstanding service over a period of time.
- (j) **Officer of the Year Bar**
1. Presented to employees who received the Officer of the Year Award
- (k) **Dispatcher of the Year Bar**
1. Presented to employees who receive Dispatcher of the Year Award.
- (l) **Civilian of the Year Bar**
1. Presented to employees who receive Civilian of the Year Award.
- (m) **Volunteer of the Year Bar**
1. Presented to employees who receive Volunteer of the Year Award.
- (n) **Pistol Marksmanship Bar** - awarded to staff who have achieved a Marksmanship level of performance with their Duty Pistol.
1. Officers may wear this pin upon completion of the Marksmanship requirements, and may continue to wear the pin as long as they continue to qualify as a Marksman.

1029.6 WEARING OF DEPARTMENT MEDALS/AWARDS

(a) **Wearing of Medals**

1. Medals will only be worn with the department uniform at the time they are granted at the annual awards banquet. Uniform for those receiving awards/medals will be Class "A" or as specified by a Division Commander. The only exceptions for

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wearing a medal with a uniform will be made on an individual basis by the Chief of Police.

(b) Wearing of Citation Bar

1. All Citation Bars shall be worn in descending order with the highest in significance being toward the center of the uniform and the lowest to the outside of the uniform, i.e.: Bar of the Medal of Valor would be closest to the center with a special events ribbon being to outside. Ribbons should be stacked in the following order:
 - (a) Individual achievement Bars in descending order
 - (b) "Officer of the Year" Bar
 - (c) Event Bars (Special Decorations as authorized by the Chief of Harbor Police)
2. One to three Bars - Shall be considered a row and worn centered over the right breast pocket just slightly above the nametag.
3. Three or more Bars - Shall begin a second row with the incomplete row being centered on top of and touching the completed row. The bottom row will be centered over the right breast pocket just above the nametag.
4. No more than three rows (total of nine bars) will be worn at a time.

1029.7 SPECIFICATIONS FOR AWARDS/MEDALS

- (a) [See attachment: awards examples.pdf](#)
- (b) All authorized new and replacement medals/ribbons will be obtained through the Chief's administrative staff (See attached for photos of actual ribbons).
 - (a) Medal of Valor (C-122632)
 1. Neck Ribbon/Bar-Red/White/Blue (XPS0001-10)
 - (b) Police Star (C-122633)
 1. Neck Ribbon/Bar-Blue/White (XPS0001-13)
 - (c) Distinguished Service Medal (C-122634)
 1. Neck Ribbon/Bar- Blue/Yellow/(XPS0001-659)
 - (d) Police Medal (C-122635)
 1. Neck Ribbon/Bar-Black / Purple (XPS0001-36)
 - (e) San Diego Harbor Police Memorial Award (C-122637)
 1. Neck Ribbon/Bar-Purple (XPS0001-09)
 - (f) Life Saving Medal (C-122638)
 1. Neck Ribbon-Red (XPS001-45)
 2. Bar - Blue/Red/White

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- (g) Police Chief's Medal (C-122643)
 - 1. Neck Ribbon/Bar-Red/Blue (XPS0001-26)
- (h) Citizen Heroism Medal (C-122645)
 - 1. Neck Ribbon/Bar- Blue (XPS0001-07)
- (i) Meritorious Unit Commendation Bar
 - 1. Bar-Red/Blue/white stripes (XPS0001-47)
- (j) Officer of the Year Commendation Bar
 - 1. Bar-Green, White, Blue (XPS0001-48)
- (k) Dispatcher of the Year Commendation Bar
 - 1. Bar: Green/White/Blue/Yellow Stripes (XPS0001-34)
- (l) Civilian of the Year Commendation Bar
 - 1. Bar: Green with 2 service stripes. (XPS0001-20)
- (m) Volunteer of the Year Commendation Bar
 - 1. Bar: Yellow/White/Red (XPS0001-37)
- (n) Pistol Marksmanship Bar
 - 1. Pin / Bar Blue Background with Gold Lettering (PA40-2G)

1029.8 OFFICER AND CIVILIAN OF THE SHIFT

The Officer and Civilian of the Shift recognition is designed to acknowledge and reward employees from our department who have shown remarkable performance throughout the previous shift term by demonstrating exceptional teamwork, skill, initiative, and overall professional conduct.

1029.8.1 OFFICER AND CIVILIAN OF THE SHIFT REWARD

For the shift term following the one in which each officer and civilian employee is selected each will have exclusive use of a pre-designated parking space; his or her picture proudly displayed on the wall in their work location; and, receive recognition from the Harbor Police Command Team at the next scheduled Employee of the Shift luncheon.

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 Captain, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Harbor 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.

Employees subjected to work limitations due to non-work related legal issues may warrant a temporary relief from duty, and as such may be required to use Vacation Leave or other paid time off (PTO) until such legal issues are resolved.

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 Captain, 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 Harbor Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10(c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

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- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 LIMITATION ON HOURS WORKED

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

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 Chief Executive Officer.

1034.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the District limits unless on assignment outside of the District.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of Dispatch.

To avoid negative public perceptions, field units will generally refrain from taking breaks in groups of more than two.

Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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.

Time Card Procedures

1036.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1036.1.1 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Time cards shall be completed and submitted to Administration no later than 5:00 p.m. on the Thursday afternoon before the end of the pay period, unless specified otherwise.

1036.2 POLICY

The Port of San Diego Harbor 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 RECORDS

The Administration Captain 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).

Overtime Compensation Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU). In order to qualify for overtime, the employee must complete and submit for approval an Employee Bi-Weekly Overtime Log sheet as soon as practical after overtime is worked.

1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked, if so desired by the employee, rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete an entry on the Employee Bi-Weekly Overtime Log sheet, the employee shall comply.

1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors, in a timely manner, for approval and signature and then forward the approved overtime log to the department time administrator.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1038.2.1 EMPLOYEES' RESPONSIBILITY

Employees shall complete the overtime log immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander for approval. Employees submitting overtime logs for on-call pay when off duty shall submit these requests to the Watch Commander the first day after returning for work.

1038.2.2 SUPERVISORS' RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was actually worked before signing the Employee Bi-Weekly Overtime Log sheet entry. The overtime entry shall be made on the employee's time card and also documented on the Daily Staffing Report.

At the end of the pay period, supervisors should ensure that the Employee Bi-Weekly Overtime Log sheet is complete and signed by the employee. The overtime hours documented on the Employee Bi-Weekly Overtime Log sheet must match the hours documented on the employee's timecard.

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Following the verification of all overtime worked, the Employee Bi-Weekly Overtime Log sheet shall be forwarded to the department's time administrator for processing.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding (MOU) provides that a minimum number of hours will be paid, (e.g., three hours for Court or Call-In) whether or not the employee works that long. The employee will enter the minimum 3 hours overtime on his or her time card as provided under the MOU or, if more hours were worked then the actual number of overtime hours worked.

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor shall require each employee to include the reason for the variation on the Employee Bi-Weekly Overtime Log sheet.

Outside Employment

1040.1 PURPOSE AND SCOPE

Outside employment will be approved or not based on its compatibility with the satisfactory performance of an employee's essential job functions at the District. Outside employment that increases the District's liability or involves acts prohibited by District policies such as racial or sexual discrimination or harassment is not permitted. In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees, prior to engaging in any outside employment, shall seek approval for outside employment in accordance with the District's Administrative Procedure #128-215.

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.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first completing a Statement of Outside Employment or Enterprise form (Document #95571) and obtaining prior written approval in accordance with Administrative Procedure #128-215. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

If the outside employment is approved, the employee must ensure he or she maintains this approval by adhering to the guidelines listed in Administrative Procedure #128-215.

Any employee seeking approval of outside employment, whose request is denied, shall be provided a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Harbor 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 Harbor Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the

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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
- (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 Harbor Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

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- (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 Harbor 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 Chief of Harbor Police, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

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

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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 Harbor Police and the Human Resources department. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy and the District's Administrative Procedure #128-215.

Employees shall also promptly submit in writing to the Chief of Harbor Police and the Human Resources department 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 injury leave or modified/light-duty shall inform the Administrative Captain 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 Administrative Captain shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Harbor Police whether such outside employment should continue.

In the event the Chief of Harbor Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the 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.

When the disabled member returns to full duty with the Port of San Diego Harbor Police Department, a request (in writing) may be made to the Chief of Harbor Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

1042.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1042.2 POLICY

The Port of San Diego Harbor 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 who learns of any occupational disease or work-related injury involving an employee should ensure the he or she receives appropriate and timely medical care..

Supervisors shall ensure that the required workers' compensation forms are completed correctly and then forwarded to the District's Audit and Risk department within 24 hours.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1042.3.3 CAPTAIN'S RESPONSIBILITIES

The Captain who receives a report of an occupational disease or work-related injury should review the report for accuracy and completeness and determine what additional action should be taken. The report shall then be forwarded to the the District's Audit and Risk department to ensure all mandated reports are made to the Division of Occupational Health and Safety Administration (Cal/ OSHA) as required by the District's Illness and Injury Prevention Policy.

1042.4 MINOR INJURY REPORTING

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on a minor injury report form and signed by a supervisor. A copy of

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the completed form should be kept by the employee and the the original form sent to the District's Audit and Risk department.

The minor injury report shall be signed by the employee, indicating that he/she desired no medical attention at the time of the report. Signing the minor injury report will not preclude the employee from receiving medical attention at a later time if it should become necessary.

1042.5 SETTLEMENT OFFERS

When an employee 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 employee 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 employee shall provide the Chief of Harbor Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the Chief of Harbor 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 employee's right to receive compensation is not affected.

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 Harbor Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. Hairstyles or hair coloring that present an unprofessional image of the department are prohibited.

For male and female sworn members, hair must not extend below the top edge of the department uniform collar while assuming a normal stance.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the level of the lower lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the earlobe and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Harbor Police or his or her designee.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.

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- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1044.3 TATTOOS

While on-duty or representing the Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

1044.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Harbor Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Port of San Diego Harbor 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 memo is maintained and periodically updated by the Chief of Harbor Police or his/her designee. That memo should be consulted regarding authorized equipment and uniform specifications.

The Port of San Diego Harbor Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained in this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

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- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Harbor Police or his designee.
 - 1. Wrist watch
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 - 3. Medical alert bracelet

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their command staff.

1046.3 UNIFORM CLASSES

Please see attached addendum to see uniform specifics and model numbers.

[See attachment: HPD Memo uniforms.pdf](#)

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

1. Shirt: Long sleeve, must meet LAPD standards with a plain pocket, no pleat, to be worn buttoned-up with a navy blue tie. All shirts will either have sewn-in creases or be "military pressed" and tailored to fit. Shirts will be of the types listed on the authorized uniform list.
2. Trousers: 100% wool, lycra blend or poly-blend, navy blue. Must meet LAPD standards and have sewn in creases or creases or "military pressed", with no cargo pockets and tailored to fit. Trousers will be of the types listed on the authorized uniform list.
3. Belt & Holster: Well-polished, black leather or Accumold synthetic leather, basket-weave full duty belt shall be worn.

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4. Footwear: Oxford-style shoes, dress boots, or military boots, including those with cloth side panels, may be worn. All footwear must be black and be low-heeled. Footwear must be constructed of smooth leather or Corfam uppers and capable of receiving a high gloss shine. All footwear must be maintained in good repair, and have a presentable shine.
5. Gloves: Generally, white gloves shall be reserved for pallbearers only and for honor guard officers.
6. Tie: Navy blue, wool-blend, straight uniform tie with "Windsor Knot" or metal, bend-over clip-on style. At the widest point, it will be between 2-1/2 and 3-1/2 inches. Female officers may wear a "cross tie" if preferred.
7. Vest: The Protective Vest is optional when the Class A uniform is worn for ceremonial activities, such as funerals, etc.

1046.3.2 CLASS B UNIFORM, AIRPORT/VEHICLE PATROL UNIFORM

The Class "B", Patrol Uniform is to be worn while assigned to vehicle patrol or the airport. Officers shall wear shirts and trousers of the same brand and style to avoid mixing and matching of different material blends or shades of navy blue. All uniforms will be navy blue in color and meet LAPD standards. All shirts will either have sewn-in creases or be "military pressed" and tailored to fit.

(a) Shirt

1. Long Sleeve: (Optional): Long sleeve, must meet LAPD standards with a plain pocket or an optional pleated pocket to be worn without a tie. All shirts will either have sewn-in creases or be "military pressed" and tailored to fit. Shirts will be of the types listed on the authorized uniform list.
2. Short Sleeve: Open collar with no tie. The collar will be designed to lie flat. The shirt may have a plain pocket or a pleated pocket. All shirts will either have sewn-in creases or be "military pressed" and tailored to fit. Shirts will be of the types listed on the authorized uniform list.
3. Trousers: Navy blue in color. Must meet LAPD standards and have sewn in creases or "military pressed" and tailored to fit. Trousers may have a pleated cargo pocket. Trousers will be types listed on the authorized uniform list.

(b) Footwear: Oxford-style shoes, dress boots, or military boots, including those with cloth side panels, may be worn. All footwear must be black and be low-heeled. Footwear must be constructed of smooth leather or Corfam without upper toe stitching and capable of receiving a high gloss shine. All footwear must be maintained in good repair, and have a presentable shine.

(c) Hat: (Optional): Black ball caps with the following department approved embroidery: "Port of San Diego" in white and "Harbor Police" in blue lettering with white trim on the front of the cap and the official Port Logo "Flags" centered on the back seam of the hat may be worn when working in sunny or inclement weather.

(d) Tie: If a tie is worn with the long sleeve shirt, it will be navy blue, wool-blend, straight uniform, metal, bend-over clip-on style. The tie shall be between 2 1/2 and 3 1/2 inches wide at its widest point. Female officers may wear a "cross tie" if preferred.

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(e) Duty Belt/Load Bearing Vest (Uniform Class B and C): Officers shall maintain a well-polished leather or Accumold synthetic leather duty belt and holster in the basket weave design. Officers shall only wear issued equipment or items that have been authorized in the Uniform and Equipment Specifications or by written approval of the Chief of Harbor Police or designee. Items approved to be worn on the duty belt shall be of basket weave design only and are:

1. Pistol magazine holder. 40. Cal or 9mm shall be limited to three magazines and single stack.45 shall be limited to 4 in the open or closed design.
2. Closed design single or double handcuff case.
3. Radio holder.
4. Key holder.
5. Impact weapon holder.
6. Leather style CPR mask case and or rubber glove holder.
7. Mini-Mag type leather style flashlight holder.
8. Flashlight ring.
9. Taser holster.
10. Keepers.
11. Pepper spray holder.
12. AR-15 Mag pouch clip (Mag pouch worn only during incident).
13. Cord Cuff case.

(f) Holsters: Holsters listed on the authorized uniform list are authorized for uniformed duty use. If a holster for the officer's approved alternate duty weapon is not available in the listed holster designs / models, the officer can submit an alternative holsters for approval. Any such holster must be a minimum of a level 2 security design and must be approved by Weapons Training Unit and Defensive Tactics units. Other holster designs may be authorized as new designs are developed. New holsters will need to be approved by both Weapons Training Unit and Defensive Tactics staff. Officers will be allowed to wear the Nylon web duty belt during department designated training only. Nylon web gear will not be purchased or provided by the department.

(g) Load Bearing Vest (Uniform Class B and C): Officers at their discretion may purchase and wear the Point Blank brand Endeavor load bearing vest in the midnight navy color. Officers wearing the load bearing vest shall wear both of their issued ballistic panels in the vest at all times. Officers shall wear the department issued Sam Brown type basket weave belt with the handgun mounted on the belt. Items normally worn on the Sam Brown style belt may be worn on the tactical vest when mounted on the vest by the PACA brand system pouches in midnight navy 500 denier. No items shall be mounted in any other fashion and no additional items or pouches shall be attached or mounted on the load bearing vest unless authorized by the Chief of Harbor Police or his designee. The load bearing vest shall have the department soft badge and fabric nametag for class "C" use

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and the metal badge with metal nameplate for class "B" use. The fabric nametag shall have the officer's first initial and the last name of the officer embroidered in 1/2" gold letters.

(h) Sworn staff who choose to wear the department authorized load bearing vest are authorized to wear a Class B shirt, or any of the shirts as authorized by the Department Uniform Memo. The shirt shall have the HPD badge, appropriate shoulder rank and departmental patch. The Officer's first initial and last name shall be embroidered per department specifications (3/8 of an inch, gold colored, all capital letters).

(i) Trauma Kit: Every on-duty officer shall carry their issued personal trauma kit. The trauma kit may be carried in the officer's ballistic vest in the trauma plate pocket or in an accessible uniform pocket. The trauma kit shall be worn with the class B and C uniform and in the class A unless exempted by the Chief of Police for ceremonial reasons.

1046.3.3 CLASS C UNIFORM, VESSEL PATROL

The following uniform shall be worn by officers assigned to vessel patrol. Officers shall wear shirts and trousers of the same brand and style to avoid mixing and matching of different types or dyes.

SAFETY NOTE: Officers assigned to vessel patrol will not wear ties to prevent the possibility of it becoming enmeshed in operating machinery. Also, vessel uniforms are flammable and are not to be worn under turnouts (PPE) during firefighting operations. (a) Shirt

1. Long Sleeve (Optional): Long sleeve, must meet LAPD standards with a plain pocket or an optional pleated pocket to be worn without a tie. All shirts will either have sewn-in creases or be "military pressed" and tailored to fit. The shirt will have a sew-on Harbor Police badge and the officer's name embroidered in 1/2" gold letters above the right breast pocket (on the shirt, not on name tape). Shirts will be of the types listed on the authorized uniform list.

2. Short sleeve: Open collar with no tie. The collar will be designed to lie flat. The shirt may have a plain pocket or a pleated pocket. All shirts will either have sewn-in creases or be "military pressed" and tailored to fit. The shirt will have a sew-on Harbor Police badge and the officer's name embroidered in 1/2" gold letters above the right breast pocket (on the shirt, not on name tape). Shirts will be of the types listed on the authorized uniform list.

(b) Trousers: Navy blue in color. Must meet LAPD standards and have sewn in creases or "military pressed" and tailored to fit. Trousers will be of the types listed on the authorized uniform list.

(c) Shorts: Approved trousers may be professionally hemmed into shorts. The shorts will be hemmed to the center portion of the knee measured while standing. Officers may also wear any approved shorts from the Department Uniform Memo as attached to this policy.

(d) Footwear: Oxford-style shoes, dress boots, or military boots, including those with cloth side panels, may be worn. All footwear must be black and be low-heeled. All footwear must be maintained in good repair, and have a presentable shine.

(e) Hat (Optional): Black ball caps with the following department approved embroidery: "San Diego Harbor" in yellow and "POLICE" in blue lettering with white trim on the front of the cap and the

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official Port Logo "Flags" centered on the back seam. The hat may be worn when working in sunny or inclement weather. Navy blue "boonie" style brimmed hats are also approved for vessel patrol only.

(f) Jacket (Optional): Officers Jackets: May wear any of the current listed jackets on the authorized uniform list.

1046.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Harbor Police may authorize special uniforms to be worn by officers in specialized units such as Bicycle Patrol, Canines, and other specialized assignments. Special Units shall designate their own uniforms once they have been submitted for approval by the Chief of Harbor Police (or the Chief's designee). Such uniform specifications will be attached to the policy for reference.

(c) Bicycle Team Uniform: Officers may wear a Class B or C uniform with approved shorts on the bicycle. The following uniform will be worn by officers assigned to the Bicycle Team (Officers may not wear the load bearing vest while assigned to bicycle patrol.)

1. Helmet: Black, bicycle helmet with "POLICE" lettering 1" high on both sides.
2. Gloves: Half or full-fingered cycling gloves with padded palms, black or tan in color.

(d) Canine Handler Uniform: The following uniform will be worn by officers assigned as canine handlers. Certain specifications have been added due to unique performance tasks.

1. Shirt: Same as Class "C" uniform in black with "K-9" embroidered in gold letters above the officer's name (on the shirt, not on name tape). K-9 Officers may wear the black authorized style shirts from the Department Uniform Memo while wearing the load bearing vest or training.
2. T-Shirt: Navy blue with department approved canine handler emblem.
3. Trousers: Same as Class "C" uniform in black.

(e) The department will allow for a Generic Training Uniform. The Training Uniform will be as follows:

1. Shirt: Black, polo-style shirt with department approved logo on the left breast,.
2. Trousers: Khaki 5.11-style cargo pants.
3. Black Belt.
4. Footwear: Desert tan boots or black boots.
5. Weapon may be carried in a desk style holster.

1046.3.5 BALL CAPS

Vehicle patrol or airport officers may wear ball caps to prevent prolonged exposure to sun, rain, or inclement weather. This instruction does not intend for ball caps to be everyday uniform items. When worn, they will be the same as described in §1046.3.3a of this policy, however, the "boonie" style hat is not to be worn.

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1046.3.6 T-SHIRTS

All officers will wear plain white, or black crew-neck style T-shirts under uniform shirts.

1046.3.7 SOCKS

- (a) **White:** Plain white socks will be worn with short pants.
- (b) **Black:** Plain black socks will be worn with long pants. White foot sections are permissible as long as they are not visible.

1046.3.8 COLD/FOUL WEATHER UNIFORM ITEMS

(a) **Jackets:** On-duty officers may wear any of the current listed jackets contained in the authorized uniform list.

1. All jackets will have badge and name plate holders, or sew-on badge and the officer's name embroidered in 1/2" gold letters above the right breast pocket (on the jacket, not name tape).
2. The mixing of a metal badge with an embroidered name, or a sew-on badge with an engraved nameplate is not authorized.

(b) **Turtleneck Collar Shirts and "Dickies":** Black, in color, may be worn under long sleeve shirt only.

(c) **"Watch Caps" and Scarves:** Plain black or dark navy watch caps without logos or markings may be worn by officers assigned to vehicle or vessel patrol. (If the Department designates an official watch cap design or logo this may also be worn.) A plain black scarf may be worn on vessel patrol.officer

(d) **Gloves:** Black leather or nylon-style, full finger (no fingerless gloves). Gloves will only be worn as a cold weather uniform item by officers wearing a jacket or long-sleeve shirt. Latex gloves are to be used for officers' protection during pat-downs and searches. No weighted (sap gloves) or plastic reinforced gloves (to create a hard striking surface on the knuckles or back of the hand) are permitted.

(e) **Rain Gear:** Officers shall wear only department issued rain gear.

1046.3.9 HARBOR POLICE APPROVED UNIFORM LIST BY BRAND AND MODEL NUMBER:

This list is subject to renewal each year by September 1st and will be updated as needed or deemed necessary by the Chief of Police.

1046.4 INSIGNIA AND PATCHES

- (a) **Shoulder Patches -** The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) **Service stripes, stars, etc. -** Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto

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the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Harbor Police.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Harbor Police may authorize exceptions.
 - 1. FTO (Officer) - Single chevron with star on sleeves below shoulder patch
 - 2. Corporal - 2 chevrons on sleeves below shoulder patch
 - 3. Sergeant - 3 chevrons on sleeves below shoulder patch
 - 4. Lieutenant - single bar on collar
 - 5. Captain - Double bars on collar
 - 6. Assistant Chief of Police - 2 stars on collar
 - 7. Chief of Harbor Police - 4 stars on collar

1046.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Harbor Police.

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1046.4.2 DUTY SUSPENDERS

All officers are approved to wear the Spec-Ops Combat Suspenders with the class A, B and C uniform.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone
 - 2. Open toed sandals 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 Harbor 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 Port of San Diego Harbor Police Department or the morale of the employees.

1046.5.1 CLASS "B" DISPATCHER UNIFORM

- (a) **Shirt:** Cotton polo shirt in (black, navy, white, maroon or burgundy, all shades of blue and all shades of gray), short or long sleeved, embroidered with "San Diego Harbor Police Communications" on the front left breast. The Port of San Diego flags will be embroidered on the right sleeve. All personnel will have at least one cotton polo shirt in navy blue for uniformity for special events.
- (b) **Trousers:** Dispatchers may wear long or short pants.
 - 1. **Short Pants:** Dark navy blue shorts with 7" minimum inseam, but above the knee.

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2. **Long Pants:** Dark navy blue cotton twill pants, BDU pants, or Blauer Street Gear pants.
- (c) **Belt:** Black leather belt.
- (d) **Footwear:** Shoes shall be all black, leather or athletic type shoes or boots. All footwear must be maintained in good repair, and have a presentable shine. White tennis shoes will be worn with the shorts.
- (e) **Socks:** Socks shall be black when worn with long pants and will cover the ankle at a minimum. White socks shall be worn when wearing shorts.
- (f) **Sweatshirt/Jacket:** Embroidery shall be optional. Solid Navy Blue sweatshirt, sweater or jacket with the "San Diego Harbor Police Communications" on the front left breast. The Port of San Diego flags will be embroidered on the right sleeve).
- (g) **Embroidery:** All embroidery shall be done as follows. "POLICE" shall be embroidered inch tall lettering using Brush Script MT font that will gradually shade from light to dark in color using all capitals. "San Diego Harbor" and "Communications" shall be embroidered in the same color.
 1. **Light colored shirts:** Light colored shirts will have "POLICE" embroidered using dark blue at the top and gradually shade to a dark gray at the bottom of the word. "San Diego Harbor" and "Communications" shall be embroidered in the same font (Brush Script MT) and use the same color of blue used at the top of the word POLICE.
 2. **Dark colored shirts:** Dark colored shirts will have "POLICE" embroidered using medium gray at the top and gradually shade to a medium blue at the bottom of the word. "San Diego Harbor" and "Communications" shall be embroidered in the same font (Brush Script MT) and use the same color of gray used at the top of the word POLICE.

1046.5.2 CLASS "A" DISPATCHER UNIFORM

The Class "A" dress uniform is optional for dispatchers and may be worn on any occasion requiring a dress uniform appearance. Generally, this uniform is worn at academy graduations, award ceremonies, funerals, and other events authorized by the Chief of Harbor Police.

- (a) **Shirt:** Long sleeved Ace Uniform Poplin dress shirt in navy blue. Embroidered with the Harbor Police badge and "Communications" above the badge..
- (b) **Trousers:** Dark navy blue cotton twill or polyester blend pants.
- (c) **Skirt:** For female dispatchers only, skirts are optional items of personal apparel for duty use, worn in place of the uniform trousers. The approved skirt is an "A-line" design, Model #9277 from the Edwards Career Apparel line, navy blue in color.
- (d) **Belt:** Black leather belt.

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- (e) **Footwear:** Oxford-style, low-cut, laced shoes. The shoes shall be black, have a round or plain toe, be low-heeled, and made of smooth leather. A black classic closed-toe pump with a defined heel of no more than 2" in height shall be worn when wearing the A-line skirt. All footwear must be maintained in good repair and have a presentable shine.
- (f) **Socks:** Socks shall be black and will cover the ankle at a minimum. When wearing the A-line skirt, flesh tone nylons must be worn.
- (g) **Embroidery:** Embroidery will be done by Ace Uniforms and will contain the Harbor Police badge.

1. Light colored shirts: Light colored shirts will have "POLICE" embroidered using dark blue at the top and gradually shade to a dark gray at the bottom of the word. "San Diego Harbor" and "Communications" shall be embroidered in the same font (Bush Script MT) and use the same color of blue used at the top of the word POLICE.

2. Dark colored shirts: Dark colored shirts will have "POLICE" embroidered using medium gray at the top and gradually shade to a medium blue at the bottom of the word. "San Diego Harbor" and "Communications" shall be embroidered in the same font (Bush Script MT) and use the same color of gray used at the top of the word POLICE.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Harbor Police, Port of San Diego Harbor 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 Port of San Diego Harbor Police Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.7 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.

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- (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

Port of San Diego Harbor 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 Harbor Police or designee.

Port of San Diego Harbor 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 Harbor Police or designee.

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 Harbor Police of such actual or potential violations through the chain of command.

Department Badges

1052.1 PURPOSE AND SCOPE

The Port of San Diego Harbor Police Department badge and uniform patch as well as the likeness of these items and the name of the Port of San Diego Harbor Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Sworn officers, will be provided a flat badge capable of being carried in a wallet upon successful completion of their probationary period. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (b) An honorably retired officer may keep his/her flat badge upon retirement.
- (c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees will be provided his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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Department Badges

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 civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Harbor 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 Harbor 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 Port of San Diego Harbor 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 Harbor Police.

Off Duty Intervention

1053.1 PURPOSE AND SCOPE

Law enforcement officers, whose on duty employment involves performing police functions, retain full power and authority to act as peace officers when off duty. Prior to taking law enforcement action, off duty peace officers, who observe or who are told of criminal activity, shall first consider contacting the appropriate law enforcement agency and have on duty officers/deputies respond. Off duty peace officers should, if possible, make mental notes of the criminal incident and attempt to be a good witness to the event.

1053.2 INTERVENTION DETERMINATIONS

In determining whether or not to intervene, the off duty peace officer should consider the totality of the situation. In a case where action is considered necessary, to prevent death, the possibility of death or serious bodily injury, significant property damage or loss, the off duty peace officer should consider the offense involved, the difficulty that being off duty tactically and operationally presents, and/or other factors as articulated and observed by the off duty peace officer.

1053.3 PROTOCOLS

If an off duty peace officer intervenes in the criminal conduct, he/she must, if reasonably possible, identify their authority and their intent to arrest. Any law enforcement action taken by the peace officer will be governed by the policies and procedures, rules and regulations that apply to on duty personnel.

1053.4 OUTSIDE JURISDICTION

When outside the limits of their jurisdiction, but within the state of California, off duty peace officers may assist any law enforcement officer who appears to be in need of immediate assistance and may assist in the prevention of the commission of any crime involving the immediate danger to persons or property, or of the escape of the perpetrator of the offense.

Off duty peace officers outside the state of California do not have police officer powers/status and therefore have only the rights and obligations of private citizens of that state.

Temporary Modified Work Assignments

1053.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning sworn employees to Modified Duty assignments. Temporary modified Duty assignments may be available to sworn employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform the regularly assigned duties.. Non-duty related illnesses or injuries may be considered for eligibility in accordance with this policy. Eligibility for modified duty is subject to the approval of the Chief of Harbor Police or his/her designee.

Modified-duty assignments are intended to provide a sworn employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1053.2 DEFINITIONS

Modified Duty - Means a temporary, limited term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified Duty also may be termed as light duty assignments

1053.3 LIMITATIONS

Consistent with applicable law, modified duty assignments are a management prerogative and not an employee right. Modified duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified duty capacity.

There shall be no permanent modified duty for sworn positions.

An injured employee may be assigned to a modified duty position outside his/her normal assignments or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

- (a) If an employee cannot adequately perform in a modified duty assignment, such assignment may be modified or terminated.
- (b) The lack of department need or change in priorities may result in the employee's removal from or modification of a modified duty assignment.
- (c) The department may place conditions as deemed appropriate upon any modified duty assignment.

The Chief of Police or his or her authorized designee may restrict employees working in temporary modified duty assignments from wearing a uniform, displaying a badge, carrying a firearm,

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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 twelve (12) months. If special circumstances are presented, a written request from the employee for an extension will be submitted to the Chief of Police.

1053.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to the Administrative Captain or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Captain will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Watch Commander or Captain. Assignments of longer duration are subject to the approval of the Chief of Harbor Police or his/her designee.

1053.4.1 MODIFIED DUTY SCHEDULE

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Captain. In order to satisfy the needs of the department the employee's schedule will generally conform to the operating schedule of the temporary modified duty assignment.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1053.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with the supervisor overseeing them while on Light or Modified Duty to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a work status report after each visit to a treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a work status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Administrative Captain apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that

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extend beyond 60 days will require a written status report and a request for an extension to the Administrative Captain with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Harbor Police.

- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Administrative Captain of the change in work status as well as the Patrol Captain in order to process the return to regular assignment for the employee. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1053.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation. In the event an employee receives permanent work restrictions, the employee will be referred to the Human Resources Department to commence an interactive process pursuant to the Americans With Disabilities Act (ADA). This process will determine whether the employee can perform the essential functions of his or her position with or without a reasonable accommodation and/or what other work may be available within the District that the employee can perform with or without reasonable accommodation.

1053.5 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities

1053.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have. Any Pregnancy related Light Duty will be in compliance with Port District Rule 10.12, Section 3.

1053.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Captain, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

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If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the District's Personnel Rules and Regulations regarding family and medical care leave.

1053.6 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.

1053.7 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 the employee's assignment to modified duty.

1053.8 MAINTENANCE OF TRAINING AND CERTIFICATION

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Voluntary Activities and Events

1054.1 PURPOSE AND SCOPE

The staff of the San Diego Harbor Police Department has a long and honored history of volunteerism at community, charitable, and other law enforcement related activities and events. This policy is intended to direct and clarify Harbor Police Department staff support and participation in future voluntary events and activities, in compliance with the Fair Labor and Standards Act.

1054.1.1 INSTRUCTION

The intent of true "volunteerism" is that Harbor Police employees are true and genuine volunteers at the aforementioned activities and events with no employer compensation. Harbor Police employees may volunteer for these events and activities under no coercion or persuasion from any person, or concern over adverse employee performance evaluations.

A Department sanctioned activity or event is an event where the Chief of Harbor Police approves the voluntary presence of Harbor Police staff in Harbor Police uniform and/or the utilization of Department equipment. This policy is intended in no way to limit the participation of staff in voluntary events or activities outside of the use of Harbor Police uniform and/or utilizing Harbor Police equipment. The Chief of Harbor Police will maintain a list of approved voluntary events and activities, subject to review for the addition or removal of events (see attachment: Harbor Police Department Approved Voluntary Events).

The Chief of Harbor Police may select Harbor Police staff to lead and organize a particular community, charitable, or other law enforcement activity or event as a management representative and on a compensable basis. Additionally, the Chief of Harbor Police may authorize the incidental use of Harbor Police uniforms and/or equipment in support of an activity or event.

Employee Speech, Expression and Social Networking

1057.1 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.

1057.1.1 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.

1057.2 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 Port of San Diego Harbor 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.

1057.3 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 Port of San Diego Harbor Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1057.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Port of San Diego Harbor 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 Port of San Diego Harbor Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Port of San Diego Harbor Police Department or its employees.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Port of San Diego Harbor Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Harbor 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 Port of San Diego Harbor Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Harbor Police.

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- (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).

1057.4.1 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 Port of San Diego Harbor Police Department or identify themselves in any way that could be reasonably perceived as representing the Port of San Diego Harbor Police Department in order to do any of the following, unless specifically authorized by the Chief of Harbor 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 Port of San Diego Harbor Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend

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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1057.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).

1057.6 CONSIDERATIONS

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Anti-Retaliation

1058.1 PURPOSE AND SCOPE

This policy in conjunction with the District's Policy and Complaint Procedure Against Harassment, Discrimination and Retaliation, , and the District's Code of Ethics prohibit retaliation against employees 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 employees.

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 access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, memorandum of understanding or any other policy.

1058.2 POLICY

The Department has a zero tolerance policy for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior, or who report or participate in the reporting or investigation of workplace issues, and those who associate with an individual who is involved in reporting harassment or discrimination or who participates in the complaint or investigative process, or litigation. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

Any individual employed by or contracted with the District who engages in retaliation against any District employee in violation of this Policy may be subject to disciplinary action up to and including termination. Persons who are employed outside the District who engage in retaliation will be reported to their employer.

1058.3 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.

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- 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.

1058.3.1 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)).

1058.4 COMPLAINTS OF RETALIATION

Any employee 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 Harbor Police or the District's Director, Human Resources.

Employees 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. Employees 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 employee is known, thereby allowing investigators to obtain additional information from the reporting employee. Such reports can be made to the Port District's Ethics Hotline at 888-203-8330 by phone or online through the Port's website. Complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee'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 reporting employee is part of the investigative process.

1058.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that employees under their command are aware of its provisions.

The responsibilities of supervisors apprised of, or otherwise aware of retaliatory type behavior; 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.

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- (d) Acknowledging receipt of the complaint, notifying the Chief of Harbor Police, via the chain of command, and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate the concerns of the reporting party.
- (f) Monitoring the work environment to ensure that the reporting party or any individual who associates with an employee making a complaint is not subjected to retaliatory type behavior.
- (g) Periodic follow-up with the reporting party to ensure he or she is not continuing to experience the behavior reported.
- (h) Not interfering with or denying the right of an employee to make any complaint.
- (i) Taking reasonable steps to accommodate reporting party requests for reassignment or schedule changes if it might mitigate allegations of further violations of this policy.

1058.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Harbor Police should communicate to all supervisors the zero tolerance policy 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 employees the zero tolerance policy 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.

1058.7 WHISTLE-BLOWING

California law protects employees 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 employee's supervisor or any other employee with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the employee 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.

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- (e) Are family members who have engaged in any protected acts described above.

Employees are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5. e)

Employees who believe they have been retaliated against for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the department's Personnel Complaints Policy and the District's Policy and Complaint Procedure Against Harassment, Discrimination and Retaliation. If the employee believes their supervisor is conducting the retaliation, they shall report the incident to the Professional Standards Unit Lieutenant or the Port District's Human Resources Director.

1058.7.1 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).

1058.8 RECORDS RETENTION AND RELEASE

The Professional Standards Unit manager and/or Director, Human Resources shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules, and are released in accordance with applicable law.

1058.9 TRAINING

All employees will receive training on the requirements of this policy to ensure familiarity with the District's Policy and Complaint Procedure Against Harassment, Discrimination and Retaliation, and the District's Code of Ethics as required by supervisory positions.

Illness and Injury Prevention

1059.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Port of San Diego Harbor Police Department, in accordance with the requirements of 8 CCR § 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Districtwide safety efforts.

1059.2 POLICY

The Port of San Diego Harbor Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1059.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Captain is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 - 1. Meet regularly.
 - 2. Prepare a written record of safety and health committee meetings.
 - 3. Review the results of periodic scheduled inspections.
 - 4. Review investigations of accidents and exposures.
 - 5. Make suggestions to command staff for the prevention of future incidents.
 - 6. Review investigations of alleged hazardous conditions.
 - 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 - 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

1059.4 ADMINISTRATION CAPTAIN RESPONSIBILITIES

The responsibilities of the Administration Captain include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR § 5144)
 - (b) Bloodborne pathogens (8 CCR § 5193)
 - (c) Aerosol transmissible diseases (8 CCR § 5199)
 - (d) Heat illness (8 CCR § 3395)
 - (e) Emergency Action Plan (8 CCR § 3220)
 - (f) Fire Prevention Plan (8 CCR § 3221)
 - (g) Hazards associated with wildfire smoke (8 CCR § 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.

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Illness and Injury Prevention

- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1059.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Captain.
- (e) Notifying the Administration Captain when:
 - 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

1059.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administration Captain via the chain of command.

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The Administration Captain will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1059.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration Captain shall ensure that the appropriate documentation is completed for each inspection.

1059.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1059.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1059.9 TRAINING

The Administration Captain should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1059.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1059.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Attachments

HPD Memo uniforms.pdf



SAN DIEGO UNIFIED PORT DISTRICT HARBOR POLICE

INTER-STAFF COMMUNICATION

Date: October 16, 2015
To: Harbor Police Sworn Staff
From: Lt. Brian C. Jensen
Subject: Authorized Uniforms - update

The purpose of this memo is to identify approved uniform items Harbor Police sworn staff are authorized to purchase for use while on duty. Due to manufacturer changes, this list is subject to renewal each year by September 1st and will be updated as needed or deemed necessary by the Chief of Harbor Police.

For all items listed below by model / item number: If the listed item is discontinued it shall be assumed the new/replacement item from the manufacturer will be authorized.

This list is to be maintained in the Harbor Policer Standard Operating Procedures / Policies and may be updated by HPD Training Staff as needed.

Class "A" Uniform Shirt shall be Long sleeve, 100% wool or poly-blend and must meet LAPD standards with a plain pocket.

- (Traditional) FLYING CROSS, NAVY WOOL BLEND L/S (SDPD 45/55 BLEND) (**MEN'S L/S 48W3986, WMS L/S 204W3986**)
- FLYING CROSS NAVY POLY/RAYON/LYCRA (PERFECT MATCH) L/S (**MEN'S L/S 45W6986, WMS L/S 102W6986**)
- (Traditional)FLYING CROSSNAVY WOOL BLEND PANTS (SDPD 45/55 BLEND) (**MEN'S SDPD TRS01, WM'S SDPD TRSW01**)
- FLYING CROSS , POLY/RAYON BLEND 6 PKT PANTS (**MEN'S 39489, WOMEN'S 39489WT**)

Class "A" duty belt will be either the full duty belt, or may be a polished black basketweave leather or simulated leather basketweave pattern belt with duty holster, magazine pouches, and handcuff case.

Class “B” Vehicle or Airport Patrol (Non K9)

Class “B” Vehicle or Airport Patrol uniforms will be wool, wool blend, cotton blend or poly/rayon, Lycra.

Flying Cross:

- Shirts:
 - (Traditional) Flying Cross, Navy Wool Blend, S/S or L/S (SDPD 45/55 blend) (**MEN’S L/S 48W3986, WMS L/S 204W3986, MEN’S S/S 95R3986, WMS 254R3986**)
 - Flying Cross Navy Poly/Rayon/Lycra (Perfect Match) S/S - L/S (**MEN’S L/S 45W6986, WMS L/S 102W6986, MEN’S S/S 95R6986, WMS S/S 152R6986**)
- Pants:
 - (Traditional) Flying Cross Navy Wool Blend (SDPD 45/55 Blend) (**MEN’S SDPD TRS01, WM’S SDPD TRSW01**)
 - Flying Cross, Poly Rayon Blend Cargo Pants (Perfect Match) (**MEN’S 39300 , WOMEN’S 39350)**
 - Flying Cross, Poly Rayon Blend 6 Pocket Pants (**MEN’S 39489, WOMEN’S 39489WT)**

5.11 Tactical

- 72345-750 Men’s Class B Patrol Duty Uniform Twill Long Sleeve Shirt, Midnight Navy
- 71177-750 Men’s Class B Patrol Duty Uniform Twill Short Sleeve Shirt, Midnight Navy
- 74326-750 Men’s Class B Patrol Duty Uniform Twill Cargo Pant, Midnight Navy
- 62065-750 Women’s Class B Patrol Duty Uniform Shirt Twill Long Sleeve, Midnight Navy
- 61159-750 Women’s Class B Patrol Duty Uniform Shirt Twill Short Sleeve, Midnight Navy
- 64306-750 Women’s Class B Patrol Duty Uniform Twill Cargo Pant, Midnight Navy

Class “B” Polo shirt is authorized to be worn with the load bearing vest only.

The 5.11 Tactical Performance Short Sleeve Polo, model number 71049 for men, or model 61165 for women is authorized. The long sleeve, model number 72049, is also authorized.

Class “C” Vessel Patrol

5.11 Tactical

- 72345-750 Men’s Class B Patrol Duty Uniform Twill Long Sleeve Shirt, Midnight Navy
- 71177-750 Men’s Class B Patrol Duty Uniform Twill Short Sleeve Shirt, Midnight Navy
- 74326-750 Men’s Class B Patrol Duty Uniform Twill Cargo Pant, Midnight Navy
- 62065-750 Women’s Class B Patrol Duty Uniform Shirt Twill Long Sleeve, Midnight Navy
- 61159-750 Women’s Class B Patrol Duty Uniform Shirt Twill Short Sleeve, Midnight Navy
- 64306-750 Women’s Class B Patrol Duty Uniform Twill Cargo Pant, Midnight Navy
- 61168-750 Women’s Class B Taclite Patrol Duty Uniform Short Sleeve Shirt, Midnight Navy
- 63266-750 Women’s Class B Taclite Patrol Duty Uniform Long Sleeve Shirt, Midnight Navy
- 64371-750 Women’s Class B Taclite Patrol Duty Uniform Cargo Pant, Midnight Navy
- 71168-750 Men’s Class B Taclite Patrol Duty Uniform Short Sleeve Shirt, Midnight Navy
- 72366-750 Men’s Class B Taclite Patrol Duty Uniform Long Sleeve Shirt, Midnight Navy
- 74371-750 Men’s Class B Taclite Patrol Duty Uniform Cargo Pant, Midnight Navy
- 74003-724 Men’s TDU Ripstop Cargo Pant, Dark Navy
- 74280-724 Men’s Taclite TDU Cargo Pants, Dark Navy
- 64359-724 Women’s TDU Ripstop Cargo Pant, Dark Navy
- 71001-724 Men’s TDU Short Sleeve Shirt, Dark Navy
- 72002-724 Men’s TDU Long Sleeve Shirt, Dark Navy
- 72054-724 Men’s Taclite TDU Long Sleeve Shirt, Dark Navy

Vessel Patrol Shorts

Approved Class “C” trousers may be professionally hemmed into shorts. The shorts will be hemmed to the center portion of the knee measured while standing. Shorts will be 5.11 brand TDU or PDU above.

Bicycle Patrol Uniform

5.11 Tactical

- 71322-320 Bike Patrol Polo, Reflective Yellow
- 43057-019 Bike Patrol Short, Black
- Class “C” Vessel Patrol Pants may be worn in Black

External Vest Attachments

Point Plank Endeavor External Carrier Authorized Pouches

- PB-PCH032ACOD POINT BLANK DBL STACK DOUBLE MAG POUCH GL17/22, NAVY
- PB-PCH031ACOD POINT BLANK DBL STACK MAG / LIGHT POUCH, NAVY
- ITW Fastmag magazine pouch, black (Maximum of 3 on vest)
- PB-PCH111ACOD POINT BLANK STD SIZE COVERED/OPEN RADIO POUCH, NAVY
- PB-PCH078ACOD POINT BLANK 2oz OC SPRAY POUCH, NAVY
- PB-PCH079ACOD POINT BLANK 4oz OC SPRAY POUCH, NAVY
- PB-PCH131ACOD POINT BLANK STINGER/XT FLASHLIGHT POUCH, NAVY
- PB-PCH051ACOD POINT BLANK DOUBLE HANDCUFF POUCH, NAVY
- PB-PCH062ACOD POINT BLANK X26 TASER HOLSTER, NAVY

Duty Holsters

- Safariland 295 and 070-style
- Safariland level 2, models 6280 belt, 6005/6004 (tactical drop-leg holster) –Black STX or STX basket weave.
- Safariland Level 3, models 6360 belt, 6304, 6305 (tactical drop leg holster)
- – Black STX or STX basket weave.
- Blackhawk Serpa Level 2 or 3 duty holster (black)
- Blackhawk Epoch Level 3

Duty Jackets

5.11 Tactical

- Product ID: 48103 Signature Duty Jacket
- Product ID: 48096 Double Duty Jacket (Shorter Style Jacket)
- Product ID: 38040 Lined Duty Jacket Women's

Flying Cross

- Spectrum Ultimate 78140
- Ultra Jacket 58130
- Reversible Hi-Visibility 73160
- Ultra Duty Jacket 59130
- Spectrum Ultimate With Short Waist 78170
- Spectrum Ultra Duty 79135
- Public Safety Jacket 79900

Leather Jacket

- A-2 Police Style Plain Collar

Adoption of New Items

Other items may be adopted to this policy only after written proposal / submission to the Harbor Police Training Lieutenant. Such items will be evaluated and if deemed appropriate forwarded to the Chief of Harbor Police for approval.

BOF 4074 Form.pdf



CALIFORNIA DEPARTMENT OF JUSTICE BUREAU OF FIREARMS

Law Enforcement Report of Firearm Prohibition



* Required Information

** Recommended Information

Subject Information							
Last Name:*			First Name:*			Middle Name:	
Alias Last Name (if any):			Alias First Name:			Alias Middle Name:	
Subject's Mailing Address:*			City:*			State:*	Zip Code:*
Date of Birth (mm/dd/yyyy):*		Approx. Age:*		Social Security Number:**		Drivers License/ID Number:**	
Sex:	Race:	Height:	Weight:	Eye Color:	Hair Color:		
Law Enforcement Agency Information							
Date Threat Reported to Law Enforcement (mm/dd/yyyy):*				Agency Report Number:*		Agency ORI Number:	
Law Enforcement Agency:*						Agency Telephone No:*	
Agency Contact Person and Title:*						Date:*	
Instructions							
<p>Pursuant to Welfare and Institutions Code section 8100, subdivision (b)(1), any person who communicates to a licensed psychotherapist, a serious threat of physical violence against a reasonably identifiable victim or victims, is prohibited from possessing, having under custody or control, purchasing, receiving, or attempting to purchase or receive any firearms or other deadly weapon for five years.</p> <p>Pursuant to Welfare and Institutions Code section 8105, subdivision (c), licensed psychotherapists shall, within 24 hours, report the identity of persons subject to this prohibition to local law enforcement. The firearms prohibition begins on the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency. Upon receipt of the report from the licensed psychotherapist, the local law enforcement agency must, within 24 hours, complete and submit this report to the Department of Justice, Bureau of Firearms.</p> <p>The subject's complete name, date of birth or approximate age, sex, race and complete address is required on this report. The date the threat was reported to law enforcement, agency report number, law enforcement agency, agency contact person, agency telephone number, and the current date are also required.</p> <p>The Department of Justice is required to notify the individual of the firearms prohibition by certified mail. This form must include the subject's complete mailing address.</p> <p>If you have any questions or would like to request training regarding firearms prohibition reporting requirements please contact the Bureau of Firearms at (916) 227-7527. SUBMIT COMPLETED FORM TO:</p> <p style="text-align: center;"> Bureau of Firearms - Prohibition Reporting Unit P.O. Box 168048 Sacramento, CA 95816-8048 Fax: (916) 227-1021 </p>							

PLEASE RETAIN A COPY FOR YOUR RECORDS

Marina Fire SOG Draft 2015x (2).pdf

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MARINA FIRE RESPONSE STANDARD OPERATING GUIDELINES STANDARD INSTRUCTION 01

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TITLE SAN DIEGO HARBOR POLICE MARINE FIRE FIGHTING GUIDELINES	STANDARD INSTRUCTION 01	
SUBJECT MARINA FIRES	PAGE 1 of 5	EFFECTIVE DATE 09/01/2012

DRAFT ONLY

I. PURPOSE

To establish guidelines and procedures for Harbor Police personnel when responding to marina fires.

II. SCOPE

This guideline shall apply to all SDHPD Personnel.

III. AUTHORITY

The Police Chief in coordination with the Maritime Lieutenant authorizes the information within this guideline.

IV. POLICY

A. Priority of Exposures

1. Objectives in marina and boat fires are:
 - a. Rescue
 - b. Exposure Protection
 - c. Environmental Protection
 - d. **Property Conservation**
2. HPD crews should protect exposures in place.
3. As a last resort, vessels (exposures) should have the shore power disconnected and then moved in coordination with HPD vessel units or commercial towing vessels.
4. The only time crews should consider moving a burning vessel away from a dock or out of a slip is if there is a real risk of secondary explosions (fuel dock, unmovable chemical storage, etc...).
5. Burning vessels that are at a dock or in a marina are most likely less of a threat than free floating objects that are on fire.

B. Marina Fire Initial Response Assignments

The initial HPD response for a marina fire includes 501, **300 or 701**, 602, 604, two available patrol units, two airport units (including a minimum of one Firestorm Operator ((F.O.)) and a minimum of one Dive Team Officer and one Fire Team Officer if not included within the initial responding units. Units of the initial assignment arriving on-scene of a well involved marina fire should utilize the following operating procedures:

1. **501 Responsibilities** (HPD Patrol Supervisor)
 - a. Respond to effected marina and ensure all required units are enroute.
 - b. If arriving before vessels, assume I.C., conduct an initial size-up and advise responding vessels of most effective docking locations.
 - c. Establish joint I.C. with Member City Fire Dept. (MCFD) Representative
 - d. Advise MCFD I.C. of direct communications capability once established by HPD Communications.
 - e. Ensure electricity has been turned off to the **effected areas**.

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- f. Ensure at least one Dive Team Officer or mutual aid Lifeguard is enroute.
- g. When either 701 or a Watch Commander arrive on scene, 501 should assume the role of **Safety** Officer; if neither is available, assign the **Safety** Officer using following priority list:
 - 1) Fire Team Officer
 - 2) Corporal
 - 3) First Arriving Firestorm Operator
- h. 701 or a Watch Commander will then continue the role of joint I.C. in 501's place.

2. **Safety Officer**

- a. Maintain accountability of all HPD personnel involved in the firefighting operation at all times.
- b. When able, assume a position to allow an overall view of the operation and HPD personnel.
- c. Coordinate with on-site MCFD **Chief**, Captain or firefighters and develop an initial action plan (IAP).
- d. Assign HPD personnel and arriving vessels as needed.
- e. Keep 501 or I.C. informed of current Conditions, Actions and Needs (CAN).
- f. Pass along orders from 501 or I.C. to HPD personnel if not heard by radio.

3. **First Arriving Fire Boat**

- a. Evaluate for the need of any immediate rescue of persons in the water or trapped on a slip or dock by the fire. Conduct rescue operations as necessary.
- b. If no rescue is needed, primary responsibility is to provide water supply for responding MCFD unless otherwise directed.
- c. **F.O. should dock the vessel between the land-side access being used by the MCFD and the fire (optimal distance from fire is 2-5 slips away).**
- d. Once the vessel is docked, the crew should perform the following tasks unless directed otherwise:
 - 1) F.O. will assume the role of **Safety** Officer (until relieved by 501, a Fire Team Officer or Corporal) and prepare the vessel for pumping operations. Additionally, the **Safety** Officer should advise other responding fire boats of the most effective docking locations.
 - 2) **The crew member should attach, stretch out and charge an 1.75" attack line, starting with an 100' 2.5" supply line with a gated-wye if more than three slips away.**
 - 3) Make contact with firefighters of the MCFD to make them aware of the available water supply.
 - 4) If hose lines or monitors go into operation, ensure F-500 is being flowed at a minimum of 3%.

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- e. If the first arriving vessel is **FIRST FIRE UNIT ON SCENE**, the F.O. shall perform a Size up, give an Initial Radio Report and establish I.C. until relieved by a higher rank.
 - f. Based on fire conditions, exposures and location of responding HPD and MCFD assets:
 - 1) Attach a **second** 1.75" **attack line** to the gated-wye and cover exposed vessels and attack the fire as able.
4. **Second Arriving Fire Boat**
- a. While enroute, coordinate with I.C. or the **Safety** Officer to identify most effective docking location. If no specific location is identified, the F.O. should dock the vessel **between the fire and the bay-side end of the dock.**
 - b. **If the first arriving vessel is conducting rescue operations upon arrival, the Second Boat shall assume the First Boat's responsibilities unless directed otherwise.**
 - c. Crew member(s) should attach, stretch out and charge a 2.5" hose with a gated-wye towards the fire / exposures if more than three slips away.
 - d. Attach high-rise packs for exposure or attack lines as necessary.
 - e. F.O. should prepare the vessel for monitor use if hose lines appear ineffective.
 - f. **Before monitors are put into service, I.C. should confirm that all HPD and MCFD personnel are OFF THE EFFECTED DOCK.**
 - g. If monitors are used, F.O. should ensure F-500 is flowing at 3% and utilize wind direction (if able) and variable nozzle streams to cover involved and exposed vessels in a heavy mist.
 - h. Prepare for dewatering operations as necessary.
5. **Third Arriving Fire Boat**
- a. Staffed by F.O. and crew member from the airport / patrol.
 - b. Prior to departing SIS, retrieve extra SCBA bottles stored in the fire equipment room at SIS.
 - c. Unless directed otherwise, F.O. should place the vessel in a position to allow for the most effective use of the bow and roof monitors.
 - d. Coordinate with **Safety** Officer or I.C. for assignments.
 - e. If a Dive Team Officer was part of the crew of the first or second vessel, crew member(s) of third vessel should relieve him/her to allow them to switch roles to rescue diver.
6. **Fourth and Additional Arriving Vessels**
- a. Coordinate with Safety Officer or I.C. for assignments.

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7. **Patrol Units**

- a. Officers assigned to patrol units shall carry their fire gear at all times; dive team members are excepted if carrying their dive equipment.
 - 1) Respond Code 3 directly to the effected marina and assist boat crews unless otherwise directed.
 - 2) If on Shelter Island and the fire is located in another region, the officer should advise 501 and the dispatcher that you will respond directly to SIS to staff a third vessel.

8. **Airport Units**

- a. F.O. and one crew member should respond to SIS Code 3 (stopping at HQ for turnout gear if necessary) to staff a third or fourth vessel.
- b. See 'Third and Additional Vessels' for assignments.

C. HPD Communications

1. Upon receiving an 11-71 marina call, dispatch units 501, 300 or 701, 602, 604, two patrol units, two airport units (at least one officer of which is a Firestorm Operator) as required, one Dive Team Officer and one Fire Team Officer (if not included in the previously dispatched crews).
2. After issuing the call, ensure an ETA to the effected marina is obtained from each vessel. Once both ETA's are obtained, relay that information to the lead responding Fire Department via 10-21 and obtain the information necessary for the following step.
3. Determine responding MCFD Command Channel and ensure the vessel crews have switched just the boat's radio to that Command Channel.
4. Send all non-involved units over to another channel.

D. General Tactics

1. Application of water on burning or exposed vessels should be done prudently to avoid sinking the vessel.
2. Ensure that dewatering is performed to prevent sinking the vessel as safely able.
3. Sinking burning vessels as an extinguishment technique is a poor tactic that will result in fuel spills, higher costs, and more environmental impact than a burned vessel that remains intact and afloat and therefor it should not be considered.
4. A minimum of two fire attack lines shall be used.
5. If boarding a burning vessel is required in order to achieve extinguishment, officers shall adhere to the Two In / Two Out Rule. Additionally, officers shall continuously sound the deck and utilize a Thermal Imaging Camera (TIC) to ensure their safety.

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E. Multi-Deck Vessels in Recreational Marinas

1. Refer to the Shipboard Firefighting SOG.

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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The background of the page features a large, faint, light-brown watermark of the official seal of the Peace Officer Standards and Training (POST) Commission. The seal is a seven-pointed star. At the top point is a torch with a flame. The central circle of the star contains a detailed illustration of a Minuteman soldier standing with a rifle, a plow, a sailing ship, and a bear. The words "PEACE OFFICER STANDARDS AND TRAINING" are inscribed around the central circle. The bottom point of the star features a shield with a scale of justice.

POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

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- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.
- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- (b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- ☐ Message from the law enforcement's agency's chief executive is included
 - ☐ The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - ☐ Definition of "hate crime" included from:
 - ☐ CPC 422.55
 - ☐ CPC 422.56
 - ☐ CPC 422.6
 - ☐ Title by title specific protocol regarding:
 - ☐ Prevention
 - ☐ Is contact is established with identified persons and/or communities who are likely targets?
 - ☐ Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - ☐ Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - ☐ Response
 - ☐ Requirement that all hate crimes be properly investigated and supervised
 - ☐ Requirement that any hate crimes committed under the color of authority are investigated
 - ☐ Accessing Assistance
 - ☐ Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - ☐ Victim assistance and follow-up
 - ☐ Reporting
 - ☐ Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - ☐ Training
 - ☐ Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - ☐ Does the checklist include first responder responsibilities include:
 - ☐ Determining the need for additional resources if necessary?
 - ☐ Referral information for appropriate community and legal services?
 - ☐ The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - ☐ Information regarding bias motivation from CPC 422.87
 - ☐ Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- ☐ Definitions of terms used in the policy are listed
- ☐ Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - ☐ Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- ☐ Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- ☐ A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

- (b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

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Hate Crimes

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Related Crimes

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CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

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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

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CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

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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.

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CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

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HATE CRIME CHECKLIST

Page _____ of _____

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BIAS	<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked	
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No		Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo	
	Total # of photos: _____ D#: _____		<input type="checkbox"/> Known to victim	
Taken by: _____ Serial #: _____				

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>	
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<u>Resources offered at scene:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____		

MEDICAL	<u>Victim</u>	<u>Suspect</u>	<u>Paramedics at scene?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____ Patient #: _____	

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

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VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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Statutes and Legal Requirements.pdf

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GC 6254 - Victim confidentiality.

Uniform Specifications Memo.pdf



SAN DIEGO UNIFIED PORT DISTRICT HARBOR POLICE

Inter Staff Communication

Date: January 7, 2021
To: Chief Mark Stainbrook
From: Lt. Brian C. Jensen, Patrol Lieutenant
Subject: Department Uniform Standards

The purpose of this memo is to identify approved uniform items Harbor Police sworn staff are authorized to purchase for use while on duty. Due to manufacturer changes, this list is subject to renewal each year by September 1st and will be updated as needed or deemed necessary by the Chief of Harbor Police.

Uniforms will be worn using identical brands for both Shirt and Pants to prevent dissimilar colors.

The following Uniform items are authorized under Department SOP 1045.

Class A Uniform:

Flying Cross, Elbeco, and Sinatra Brands:

- All Long Sleeve Shirts must have flat pockets, military creases (can be sewn in).
- Shirts will be LAPD / Dark Navy color and be constructed of wool, wool blend, or poly/rayon/lycra blend materials
- Pants may have "sap" pockets, but must not have cargo or side pockets
- Brand/Models/Color:
 - Flying Cross / Color: "LAPD Navy"
 - "L.A. Select" (100% wool)
 - Justice and Legend lines (poly/wool blends)
 - Deluxe Tactical / The Perfect Match (wool / poly / rayon blend)
 - Elbeco: Color: Midnight Navy
 - "LA Police Department"
 - Distinction
 - Dutymax
 - Sinatra Custom / Tailored LAPD Uniform

Class "A" duty belt will be either the full duty belt, or may be a polished black basketweave leather or simulated leather basketweave pattern belt with duty holster, magazine pouches, and handcuff case.

Class B Uniform

Brands: Flying Cross, Elbeco, 5.11, First Tactical, and Blauer

- All Shirts will have flat pockets, military creases are authorized.
- Metal badge and metal nameplate will be attached to the shirt or outer vest
- All shirts will be “LAPD Navy”, Midnight Navy, or Dark Navy in color based upon brand.
- Pants may have a cargo pocket on the sides.
- Materials will be wool, wool blend, or poly blend materials.
- Authorized Brand, Models, Color:
 - Flying Cross
 - Cross FX Elite
 - Color “LAPD Navy”
 - Elbeco
 - Tek3
 - Color: Midnight Navy
 - 5.11
 - Patrol Duty Uniform (PDU) (Class A or Class B shirts)
 - Color: Dark Navy
 - Blauer
 - Supershirt,
 - Streetgear pants and shirts,
 - Class Act Shirt and Pants
 - Color: Dark Navy
 - First Tactical
 - V2 Tactical Shirt (short / long sleeve)
 - V2 Tactical Pants
 - V2 Pro Duty Uniform Pants
 - Color: Midnight Navy /

Class C Uniforms (Vessel Uniforms)

Brands: 5.11, First Tactical, and Blauer

- All Shirts may have military creases or a pleated pocket.
- Fabric badge will be stitched to the shirt's left breast and the officers name will be embroidered on the right breast in ½" gold lettering.
- All shirts will be LAPD Navy, Midnight Navy, or Dark Navy in color.
- Materials will be cotton blend, or poly blend materials and may have rip stop material.
- Brand / Model / Color:
 - 5.11
 - Tactical Duty Uniform,
 - Color: Dark Navy
 - First Tactical
 - V2 Tactical Shirt (short / long sleeve)
 - V2 Tactical Pants
 - V2 Pro Duty Uniform Pants
 - Color: Midnight Navy
 - Blauer
 - Supershirt, Flexforce models
 - Color: Dark Navy
- Shorts (Vessel/Bicycle) – All
 - Approved Class "C" trousers may be professionally hemmed into shorts. The shorts will be hemmed to the center portion of the knee measured while standing.
 - 5.11,
 - TDU Pants professionally hemmed
 - Color: Dark Navy,
 - First Tactical
 - V2 Tactical Shorts
 - Color: Midnight Navy
 - Blauer
 - Flexforce Bike Shorts
 - Color: Dark Navy

Uniforms to go with Department Issued External Vest

Any of the above uniform pants and the following shirt under the outer vest:

- Flying Cross: Performance Patrol Shirt / Navy Blue
- 5.11: Performance Polo / Dark Navy
- Blauer: Armorskin Base Shirt / Dark Navy
- First Tactical: V2 Pro Performance Shirt / Midnight Navy

Point Plank Endeavor External Carrier Authorized Pouches

- PB-PCH032ACOD Point Blank Double Stack, Double Magazine Pouch, NAVY
- PB-PCH031ACOD Point Blank Double Stack mag pouch / Light Pouch, NAVY
- ITW Fastmag magazine pouch, black (Maximum of 3 on vest)
- PB-PCH111ACOD Point Blank Standard Size Covered/Open Radio Pouch RADIO POUCH, NAVY
- PB-PCH078ACOD Point Blank 2oz OC Spray Pouch, NAVY
- PB-PCH079ACOD Point Blank 4oz OC Spray Pouch, NAVY
- PB-PCH131ACOD Point Blank Stinger/XT Flashlight Pouch, NAVY
- PB-PCH051ACOD Point Blank Double Handcuff Pouch, NAVY
- PB-PCH062ACOD Point Blank X26 Taser Holster, NAVY
- Blackhawk Taser Holster, Black

Duty Holsters

- Safariland level 2, models 6280 belt, 6005/6004 (tactical drop-leg holster) –Black STX or STX basket weave.
- Safariland Level 3, models 6360 belt, 6304, 6305 (tactical drop leg holster) – Black STX or STX basket weave.
- Safariland Level 3 models 6365/6304 RDS ALS®/SLS
- Blackhawk Serpa Level 2 or 3 duty holster (black)
- Blackhawk Epoch Level 3
- MARTAC Holsters as designated

K-9 Unit Uniforms

- 5.11
 - TDU pants
 - TDU Shirt (or Polo as set up for under the outer vest carrier)
 - Color: Black
- First Tactical
 - V2 Tactical Shirt
 - V2 Pro Performance Shirt
 - V2 Tactical Pant,
 - Color: Black

Training Uniform:

- Pants: Tan or Khaki colored pants with or without cargo pocket. Ripstop is permissible
 - Suggested Brands: 5.11, Vertex, Blauer, First Tactical, LA Police Gear, etc.) .
- Pants are not to be bloused and must be in good repair.
- Shirt: Black Polo style shirt with Harbor Police Embroidery. Shirt will be polyester, or poly-blend.
- Boots: Desert Tan or black.

Jackets:

Standard Patrol Jacket:

Authorized Brands: 5.11, Blauer, Elbeco, Spiewak or Flying Cross

- Jackets shall be black in color and constructed of nylon.
- Jackets shall have shoulder patches with either the badge patch and an embroidered nameplate or shall have the metal badge and metal nameplate.
- Jackets may be reversible for hi visibility (reflective tape, fluorescent yellow)
- The bottom edge of the jacket will sit above the gun belt so as not to interfere with access to officer's tools, or have zippers along the side to allow access to the officer's handgun, other weapons, and equipment.

Jackets for Under the Outer Vest:

- Jackets will be solid "LAPD Navy" /Midnight Navy in color and constructed of polyester, nylon, or similar blends.
- Jacket must fit snugly, so as to prevent blousing, and must sit high enough to be above the gun belt, or must be tucked into the pants.
- Brands/Models/Colors:
 - Flying Cross: Dutyguard HT / LAPD Navy
 - Elbeco: Performance Soft Shell / Midnight Navy
- Fabric badge will be stitched to the shirt's left breast and the officers name will be embroidered on the right breast in ½" gold lettering.

Leather Jackets (Brands: S.D. Leather or similar)

- Patrol leather jackets must be A2 or G1 style with a plain leather collar. The Jacket's wrists and waistband may be either leather or knit.

awards examples.pdf

Medal of Valor



Police Star









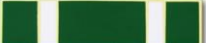


Distinguished Service Medal



Police Medal



San Diego Harbor Police Memorial Award	Not shown
Life Saving Medal	 <p>The image shows a gold Maltese cross medal with a red ribbon. The cross has a central circular seal with a lighthouse and the words 'SAN DIEGO HARBOR POLICE'. Above the cross is a small banner that reads 'LIFESAVING'. Below the cross is a small rectangular bar with a red, white, and blue design and a red cross in the center.</p>
Police Chief's Medal	 <p>The image shows a gold circular medal with a red and blue ribbon. The medal features a central circular seal with a lighthouse and the words 'SAN DIEGO HARBOR POLICE'. Above the seal is a banner that reads 'CHIEF'S MEDAL'. Below the medal is a small rectangular bar with a red and blue design.</p>
Citizen Heroism Medal	 <p>The image shows a gold octagonal medal with a blue ribbon. The medal features a central circular seal with a lighthouse and the words 'SAN DIEGO HARBOR POLICE'. Above the seal is a banner that reads 'CITIZEN'S HEROISM'. Below the medal is a small rectangular bar with a blue design.</p>

Meritorious Unit Ribbon	
Officer of the Year Ribbon	
Dispatcher of the Year Ribbon	
Civilian of the Year Ribbon	
Volunteer of the Year Ribbon	
Pistol Marksmanship Ribbon	

GV-110 Temp GVRO.pdf

Temporary Firearms Restraining Order

Petitioner must complete items ① and ② only.

① Petitioner

a. Your Full Name: _____

I am: ☐ A family member of the Respondent
☐ A law enforcement officer employed by
 (name of law enforcement agency): _____

b. Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____
 Firm Name: _____

c. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail. Law enforcement officer, give agency information.)

Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

② Respondent

Full Name: _____
 Description: _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Date of Birth: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
 Home Address (if known): _____
 City: _____ State: _____ Zip: _____
 Relationship to Petitioner: _____

The court will complete the rest of this form.

③ Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

This is a Court Order.



4

- ☐ Having examined ☐ Petitioner ☐ and other witnesses under oath,
☐ Having considered the declarations of ☐ Petitioner ☐ and other witnesses under penalty of perjury,

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- ☐ See the attached Form MC-025, *Attachment*

This is a Court Order.

5 Order Prohibiting All Firearms and Ammunition

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm or ammunition.
- b. The court has received credible information that you own or possess one or more firearms that have not been surrendered or sold. You must:
 - (1) Surrender all firearms and ammunition in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all of your firearms and ammunition to him or her, you must do so immediately. If no order to surrender is made by a law enforcement officer, you must surrender all of your firearms and ammunition within 24 hours of being served with this order. You may do so by either: (1) surrendering all of your firearms and ammunition in a safe manner to the local law enforcement agency; or (2) selling all of your firearms and ammunition to a licensed gun dealer; or (3) storing all of your firearms and ammunition with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item **3** is in effect.
 - (2) Within 48 hours of receiving this Order, file a receipt with the court that proves that your firearms have been turned in, sold, or stored. (*You may use Form GV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.*) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

6 Number of pages attached to this Order, if any: _____

Date: _____

*Judicial Officer***Warnings and Notices to the Respondent**

This Order is valid until the expiration date and time noted on page 1. You are required to surrender all firearms and ammunition that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. A hearing will be held on the date and at the time noted on Page 1 to determine if a more permanent gun violence restraining order should be issued. Failure to appear at the hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with the Order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.

Violation of this Order is a misdemeanor. If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a period of five years. This Order must be enforced by any law enforcement officer in the State of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be changed only by an order of the court.

This is a Court Order.

After You Have Been Served With a Temporary Order

- Obey the order by turning in your firearms and ammunition to a law enforcement agency or selling them to or storing them with a licensed gun dealer.
- Read Form GV-120-INFO, *How Can I Respond to a Petition for Firearms Restraining Order?*, to learn how to respond to this Order.
- If you want to respond, fill out Form GV-120, *Response to Petition for Firearms Restraining Order*, and file it with the court clerk.
- You must have Form GV-120 served by mail on the Petitioner or the Petitioner's attorney. You cannot do this yourself. The person who does the mailing should complete and sign Form GV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make a firearms restraining order against you that lasts for one year. Tell the judge why you disagree with the order requested.

Instructions for Law Enforcement

Duties of Officer Serving This Order

The officer who serves this order on the Respondent must do the following:

- Order the Respondent to immediately surrender all firearms and ammunition to him or her.
- Issue a receipt to the Respondent for all firearms and ammunition that he or she has surrendered.
- Complete a proof of personal service and file it with the court. You may use Form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

Duties of Agency on Surrender of Firearms and Ammunition

The law enforcement agency that has received surrendered firearms and ammunition must do the following:

- Retain the firearms and ammunition until the termination or expiration of this Order or of any other firearms restraining order issued by the court.
- On the expiration of this Order or of any later firearms restraining order issued by the court, return the firearms and ammunition to the respondent as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850). Firearms or ammunition that are not claimed are subject to the requirements of section 34000.

This is a Court Order.

Instructions for Law Enforcement*(continued)*

- If someone other than the Respondent claims title to any of the firearms or ammunition surrendered, determine whether that person is the lawful owner. If so, return the firearms and ammunition to him or her as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850).

Enforcing This Order

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent “served” (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The Respondent was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the Respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *Temporary Firearms Restraining Order* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Temporary Firearms Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

GV-109 GVRO Notice of Court Hearing.pdf

Clerk stamps date here when form is filed.

1 Petitioner

a. Your Full Name: _____

I am: ☐ A family member of the Respondent
☐ A law enforcement officer employed by
(name of law enforcement agency): _____

b. Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

c. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail. Law enforcement officer, give agency information.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

2 Respondent

Full Name: _____

3 Hearing

The court will complete the rest of this form.

Name and address of court if different from above: _____

Hearing
Date

Date: _____ Time: _____

Dept.: _____ Room: _____

4 Temporary Firearms Restraining Order (Any order granted is on Form GV-110, served with this notice.)a. A Temporary Firearms Restraining Order as requested in Form GV-100, *Petition for Firearms Restraining Order*, is (check only one box below):(1) ☐ **GRANTED** until the court hearing.(2) ☐ **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons for denial of a Temporary Firearms Restraining Order as requested in Form GV-100, *Petition for Firearms Restraining Order*, are:

- (1) ☐ The facts as stated in Form GV-100 do not show that there is a substantial likelihood that both of the following are true:

Respondent poses a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition.

A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

- (2) ☐ Other (*as set forth*): ☐ Below ☐ On Attachment 4b(2).

5 Service of Documents on Respondent

At least ☐ five ☐ _____ calendar days before the hearing, a law enforcement officer or someone age 18 or older—and not a party to the action—must personally give (serve) a court file-stamped copy of this Form GV-109 to the Respondent, along with a copy of all the forms indicated below:

- a. GV-100, *Petition for Firearms Restraining Order* (file-stamped)
- b. ☐ GV-110, *Temporary Firearms Restraining Order* (file-stamped) **IF GRANTED**
- c. GV-120, *Response to Petition for Firearms Restraining Order* (blank form)
- d. GV-120-INFO, *How Can I Respond to a Request for a Firearms Restraining Order?*
- e. GV-250, *Proof of Service of Response by Mail* (blank form)
- f. ☐ Other (*specify*): _____

Date: _____

Judicial Officer

To the Petitioner in 1 :

- The court cannot make an order at the court hearing unless the Respondent has been personally given (served) a copy of the Petition and a temporary order if issued. To show that the Respondent has been served, the person who served the forms must fill out a proof of service form. Form GV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form GV-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the Respondent in time, you may ask for a later hearing date, which will give you more time to serve the documents. Use Form GV-115, *Request to Continue Court Hearing for Firearms Restraining Order*.



To the Respondent:

- If you want to respond to the *Petition for Firearms Restraining Order* in writing, file Form GV-120, *Response to Petition for Firearms Restraining Order* and have someone age 18 or older—**not you**—mail it to the Petitioner.
- The person who mailed the form must fill out a proof of service form. Form GV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may order you to turn in to law enforcement, or sell to or store with, a licensed gun dealer, any firearms and ammunition that you own or possess. If issued, the order will last for one year.

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

weapons violations changed_172569.pdf

SB 1080 Conversion (Weapon Laws)

Old PC	New Crime PC	Definitions	Description
653K, repealed	21510(a)	17235	Possession of a switchblade knife in a passenger's or driver's area of a vehicle in public place or open to the public
653K, repealed	21510(b)		Carries a switchblade knife upon their person
653K, repealed	21510(c)		Sells, offers for sale, exposes for sale, loans, transfers, or gives the switchblade knife to another person
12001.1(a)	20810(a)	17290	Undetectable knife
12001.5	33210	16530/16640	Short barreled shotgun/rifle - handgun and firearms
12020(a)(1)	20310	16140	Air gauge knife
12020(a)(1)	21110	16220	Ballistic knife
12020(a)(1)	20410	16260	Belt buckle knife
12020(a)(1)	22210	16760	Leaded cane, billy, blackjack, slungshot, sandclub, sap, sandbag
12020(a)(1)	30210(a)	16570	Flechette dart
12020(a)(1)	30210(b)		Bullet with explosive agent
12020(a)(1)	24310	16320	Camouflaging firearm container
12020(a)(1)	24410	16330	Cane gun
12020(a)(1)	20510	16340	Cane sword
12020(a)(1)	24510		Firearm not immediately recognizable as a firearm
12020(a)(1)	20610	16830	Lipstick case knife
12020(a)(1)	21810	16920	Metal knuckles
12020(a)(1)	19200(a)		Metal military practice/metal replica hand grenade
12020(a)(1)	32900	16930	Multiburst trigger activator
12020(a)(1)	22010	16940	Nunchaku
12020(a)(1)	20710	17160	Shobi-zue
12020(a)(1)	33215	17170	Short-barreled rifle, short-barreled shotgun
12020(a)(1)	22410	17200	Shuriken
12020(a)(1)	31500	27170	Unconventional pistol
12020(a)(1)	24610	17280	Undetectable firearm
12020(a)(1)	24710	17330	Wallet gun
12020(a)(1)	20910	17350	Writing pen knife
12020(a)(1)	33600	17360	Zip gun
12020(a)(2)	32310	16740	Large capacity magazine
12020(a)(3)	19100	16510	Explosive substance
12020(a)(4)	21310	16470	Dirk/dagger
12020(a)(4)	19200(b)		Replica handgrenade by criminal street gang
12020.1	21710	16405/16680	Composite knuckles or hard wooden knuckles

Old PC	New Crime PC	Definitions	Description
12020.5	17505		Unlawful advertisement and sale of a firearm
12021(a)(1)	29800(a)(1)		Ex-felon with a firearm
12021(b)	29800(b)		Ex-felon of violent crimes owns, or possess firearm
12021(c)(1)	29805		Convicted of certain misd. Within 10 years - owns/possesses/receives/purchases a firearm
12021(d)(1)	29815(a)		Condition of probation - owns, possess, controls, receives or purchases a firearm
12021(e)	29820(b)		Cannot own or possess firearm until age 30 if meets requirements
12021(g)(1)	29825(a)		Violation of TRO/PO, purchases or receives a firearm
12021(g)(2)	29825(b)		Owns or possess a firearm when subject of a restraining order
12021.1(a)	29900(a)(1)		Felony possession of a firearm, prior conviction
12021.1(c)	29900(b)(1)		Felony possession of a firearm, prior adult conviction for juvie
12024	17500		Possession of a deadly weapon with intent to assault
12025(a)(1)	25400(a)(1)		Carry a concealed firearm - vehicle driver
12025(a)(2)	25400(a)(2)		Carry a concealed firearm - upon a person
12025(a)(3)	25400(a)(3)		Carry a concealed firearm - vehicle occupants
12028.5(b)	18250		Domestic violence - take custody of firearm
12031(a)(1)	25850(a)		Loaded firearm in public (person or vehicle)
12034(a)	26100(a)		Driver/owner permit another person to bring or carry a firearm in vehicle
12034(b)	26100(b)		Driver/owner allows someone to discharge a firearm from the vehicle
12034(c)	26100(c)		Driver/owner allows someone to discharge a firearm at a person who is not an occupant of the vehicle
12035(b)(1)	25100(a)		Criminal storage of a firearm of the 1st degree
12035(b)(2)	25100(b)		Criminal storage of a firearm of the 2nd degree
12036(b)	25200(a)		Child carries firearm off premises
12036(c)	25200(b)		Child carries firearm off premises to school
12040(a)	25300(a)		Criminal possession of a firearm while masked
12051(b)	26180(a)		CCW - false statement on an application - misd.
12051(c)	26180(b)		CCW - false statement on an application - felony
12061(a)(3)	30352(a)		Vendor not sell or transfer ownership of handgun ammunition without required info
12061(a)(4)	30355		Vendor's handgun ammunition records must remain on premises for 5 years
12061(a)(6)	30360		Vendor makes false entry or fails to make required entry or obtain thumbprint for handgun ammo
12061(a)(7)	30362(a)		Vendor's refusal to allow examine of handgun ammunition records
12061(a)(7)	30362(b)		Vendor's refuses to allow law enforcement use of handgun ammunition records
12070(a)	26500(a)		Sell, lease, transfer firearms without license
12071.1(e)(1)	27245(a)		Failure to comply by a gun show producer
12071.1(e)(2)	27245(b)		Failure to post signs by a gun show producer
12071.4(b)	27305(a)		Gun show/event vendor certify in writing to producer - person's complete name

Old PC	New Crime PC	Definitions	Description
12071.4(b)	27305(b)		Gun show/event vendor certify in writing to producer - knowing and complying with all federal, state, and local laws dealing with possession and transfer of firearms
12071.4(b)	27305(c)		Gun show/event vendor certify in writing to producer - Not engage in activities that incite or encourage hate crimes
12071.4(b)	27305(d)		Gun show/event vendor certify in writing to producer - process all transfers of firearms through licensed firearms dealers
12071.4(b)	27305(e)		Gun show/event vendor certify in writing to producer - firearms unloaded at show/event and secured except for demos
12071.4(b)	27305(f)		Gun show/event vendor certify in writing to producer - complied with requirements of 27320
12071.4(b)	27305(g)		Gun show-event vendor certify in writing to producer - not display or proccess black powder or offer it for sale
12071.4(c)	27310		Firearm transfers at gun show/event shall be in accordance with state and federal laws
12071.4(d)	27315		At gun show/event - ammo, except for showing ammo to prospective buyer, must be displayed only in closed original factory boxes or other closed container
12071.4(e)	27320(a)		Vendor shall provide to producer all required info of all persons at vendor's display space
12071.4(e)	27320(b)		Producer shall keep at the onsite headquarters the information required in 27310(a); law enforcement may review
12071.4(f)	27325		Vendor and employees must wear name tags at show/event
12071.4(g)	27330		Consumers at gun show/event must not carry firearms and ammo at same time
12071.4(h)	27335		No one under 18 admitted to show/event without parent
12071.4(i)	27340(a)		Consumer shall sign in ink the tag/sticker attached to firearm prior to entering show/event
12071.4(i)	27340(b)		Consumer shall clear firearm of ammo and place required info on tag/sticker attached to firearm
12071.4(k)	27345		All persons at show/event must have on their person a government photo ID and must display it upon request to security officers or law enforcement
12072(a)(1)	27500(a)		Knowingly sell, supply, deliver, give possession or control of a firearm within class prohibited
12072(a)(2)	27500(b)		Sell, supply, deliver, give possession or control of a firearm to someone who has cause to believe they are class prohibited
12072(a)(3)(A)	27505(a)		Sell, loan or transfer a firearm to a minor or sell a handgun to an individual under 21 years of age
12072(a)(4)	27515		Sell, loan or transfer a firearm to anyone who knows or cause to believe is not the actual purchasee or transferee
12072(a)(5)	27520		Acquire firearm for purpose of selling, loaning, or transferring with no license or mandated requirements met
12072(a)(8)	27530		Sell or transfer a handgun without manufacturer's and DOJ's information
12072(a)(9)	27535		Make application to purchase more than one handgun within 30 day period
12072(b)	27510		No licensed person shall sell, supply, deliver or give possession or control of handgun to a person under 21 years of age or other firearm to someone under 18 years of age
12072(c)(1)	27540		Dealer shall not deliver a firearm to a person within 10 days, must be unloaded, secured and with ID

Old PC	New Crime PC	Definitions	Description
12072(e)	27550		Collusion of falsifying test and safety procedures
12072(f)(1)	27555		Dealer to dealer sale of a firearm without obtaining a verification number from DOJ
12072(f)(2)	27560		Personal handgun importer must within 60 days register or sell handgun
12072(f)(3)	27565		Licensed collector must report acquisition within 5 days of bringing a firearm (curio or relic) into this state
12073(a)	28100		Dealer must keep a register or record of electronic or telephonic transfer
12076(b)(1)	28210(b)		Furnish or register fictitious name or address or knowingly give incorrect information or omitting required information
12076(c)(1)	28215(b)		Furnish or register fictitious name or address or knowingly give incorrect information or omitting required information electronic or telephonically
12077.5(g)	Repealed		Third party request firearms check
12081(b)(6)	29525		Falsify or omit info for an entertainment firearm permit
12082(a)	28050(b)		Dealer retain possession of firearm for private party transaction
12082(a)	28050(c)		Dealer to deliver to buyer of firearm for private party transaction
12082(a)	28050(d)		Dealer to give back firearm to seller for private party transaction
12082(a)	28055(b)		Required fee charged by dealer for private party transaction
12082(a)	28055(c)		Dealer cannot charge additional fees for private party transaction
12083(a)	28455		Falsifying or omitting required information on the Declaration for Statutory exemption from gun license requirement
12083(c)	28465		Dealers must receive firearms from centralized list of firearms
12085(a)	29010(a)		Manufacturing firearms
12083(c)(1)	29010(c)		Failure of manufacturer to turn over record of manufacturer closure within 3 days
12086(f)(1)	29060		Gun licensee/manufacturers
12090	23900		Change, alter, remove or obliterate the name of the make, model, manufacturer's number, or other mark of identification on any pistol, revolver or other firearm
12094(a)	23920		Knowledge of change, alteration, removal, obliteration of mark or identification - buys, receives, disposes of, sells, offers to sell any pistol, revolver or other firearm
12101(a)(1)	29610		Minor shall not possess a pistol revolver, or other firearm capable of being concealed
12101(b)(1)	29650		Minor possesses live ammunition
12125	32000(a)		Manufacture, import into this State for sale, keeps for sale, offers or exposes for sale, gives, or lends unsafe handgun
12220(b)	32625(b)		Convert firearm to a machinegun
12280(a)(1)	30600(a)		Transport, import, manufacture assault weapon/.50 BMG
12280(b)	30605(a)	30510	Possession of an assault weapon
12280(c)	30610(a)	30530	Possession of a .50 BMG
12281(f)	30720	30710	Possession of an SKS rifle

Old PC	New Crime PC	Definitions	Description
12303	18710(a)	16460	Possesses destructive device other than fixed ammunition of a caliber greater than .60 caliber
12303.1(a)	18725(a)		Carriers a destructive device/explosives on a vessel, aircraft, car or other vehicle that transports passengers for hire
12303.1(b)	18725(b)		Places or carries destructive device/explosives while on board vessel, aircraft, car, or other vehicle in any hand baggage, roll or other container
12303.1(c)	18725(c)		Place destructive device/explosives in any baggage which is later checked with any common carrier
12303.2	18715(a)(1)		Possession of destructive device/explosives on public street or highway
12303.2	18715(a)(2)		Possession of destructive device/explosives in or near theater, hall, school, college, church, hotel, or other public building
12303.2	18715(a)(3)		Possession of destructive device/explosives in or near private habitation
12303.2	18715(a)(4)		Possession of destructive device/explosives in, on, or near aircraft, railway, passenger train, car, cable, road, cable car, vessel carrying passengers for hire
12303.2	18715(a)(5)		Possession of destructive device/explosives in, on, or near any other public place ordinarily passed by human beings
12303.3	18740		Possess, explodes, ignites, or attempts to explode or ignite any destructive device or explosive with intent to injure, intimidate or terrify or wrongfully injury or destroy property
12303.6	18730		Sell, offers to sell or transports destructive device/explosive other than fixed ammunition of a caliber greater than .60 caliber
12304	18735(a)		Sells, offers for sale, possess, transport any fixed ammunition of caliber greater than .60 caliber
12308	18745		Explodes, ignites, or attempts to explode or ignite any destructive device/explosive with the intent to commit murder
12309	18750		Explodes or ignites destructive device/explosive which causes bodily injury
12310	18755(a)		Explodes or ignites destructive device/explosive which causes death
12310	18755(b)		Explodes or ignites destructive device/explosive which causes mayhem or great bodily injury
12312	18720		Possession of substance, material or any combination with the intent to make any destructive device/explosive
12316(a)(1)(A)	30300(a)(1)		Sell ammunition or re-loaded ammunition to a person under 18 years of age
12316(a)(1)(B)	30300(a)(2)		Sell handgun ammunition or re-loaded ammunition to a person under 21 years of age
12316(a)(1)(C)	30300(a)(3)		Supplies, delivers, or gives ammunition to a minor who is prohibited from possessing that ammunition
12316(b)(1)	30305(a)(1)		Person prohibited from possessing a firearm shall not possess or control ammunition or re-loaded ammunition
12316(b)(4)	30305(b)(1)		Gang injunction - possessing ammunition or re-loaded ammunition
12316(c)	30310(a)		Ammunition or re-loaded ammunition on school grounds
12317(a)	30306(a)		Supplies, delivers, sells or gives ammunition to a person prohibited from possessing ammunition

Old PC	New Crime PC	Definitions	Description
12318(a)	30312(a)		Deliver or transfer of ammunition must be face-to-face
12320	30315		Possess handgun ammunition designed primarily to penetrate metal or armor
12321	30320		Manufacture, import, sell, offer to sell, or transport handgun ammunition designed to penetrate metal or armor
12355(a)	20110(a)	16310	Assembles, maintains, places, or causes to be placed a boobytrap device
12355(b)	20110(b)		Possess a device with intent to use the device as a boobytrap
12370(a)	31360(a)	16288	Felon with body armor
12403.7(g)	22810(g)(1)	17240	Use tear gas or tear gas weapons except self-defense
12403.7(g)	22810(g)(2)		Use tear gas or tear gas weapons except self-defense against a peace officer
12420	22900		Unlawful to sell, offer to sell, possess, or transport tear gas or tear gas weapon
12422	22910(a)		Changes, alters, removes, obliterates the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon
12520	33410	17210	Possession of a silencer
12551	19910	16250	Sell BB device to minor
12552(a)	19915(a)		Furnish BB device to minor without parental consent
12553(a)(1)	20150(a)	16700	Change, alters, removes, or obliterates any coloration or marking required for imitation firearm which makes the imitation firearm look more like a firearm
12553(b)	20155		Manufacturer, importer, or distributor that fails to comply with federal laws and regulations for marking of toy, look-alike, or imitation firearm
12556(a)	20170(a)		Openly display or expose imitation firearm
12582	20010	16270	Manufacturer, sells, offers for sale, possession, or use of a blowgun or blowgun ammunition
12590(a)(1)	17510(a)(1)		While picketing or concerted refusal to work carries concealed on his person or within a vehicle any pistol, revolver, or other firearm capable of being concealed
12590(a)(2)	17510(a)(2)		While picketing or concerted refusal to work carries a loaded firearm or within any vehicle
12590(a)(3)	17510(a)(3)		While picketing or concerted refusal to work, carries a deadly weapon
12590(a)(4)	830.95(a)		While picketing or concerted refusal to work, wear a peace officer uniform whether or not the person is a peace officer
12651(c)	22610(c)(1)	17230	Sell or furnish stun gun to a minor unless the minor is at least 16 years of age and has written consent from parents
12651(d)	22610(d)		Minor possess stun gun unless at least 16 years of age and has written parental consent
12651(a)	22610(a)		Possession, purchase, use a stun gun - person convicted of a felony
12651(b)	22610(b)		Possession, purchase, use a stun gun - person addicted to any narcotics
12652(a)	22615(a)		Each stun gun shall have the name of manufacturer stamped on stun gun
12652(b)	22615(b)		Each stun gun shall have the serial number applied by the manufacturer
12654	22625(a)		Each stun gun sold shall be accompanied by an instructional booklet
12655	19405	16780	Sell a less lethal weapon to a person under the age of 18 years of age

Old PC	New Crime PC	Definitions	Description
12801(b)(1)	31615(a)(1)		Purchase or receive a handgun without a valid handgun safety certificate
12801(b)(2)	31615(a)(2)		Sell, deliver, loan or transfer a handgun to a person who does not have a valid handgun safety certificate
12802(b)	31620(b)		Alters, counterfeits, or falsifies a handgun safety certificate or uses or attempts to use altered, counterfeited, or falsified handgun safety certificate to purchase a handgun
New	26350(a)(1)(A)		Openly carry unloaded handgun upon person while in or on a public place or public street in an incorporated city or city and county if: handgun and unexpended ammo are in immediate possession of person and person is not in lawful possession of handgun
New	26350(a)(1)(B)		Openly carry unloaded handgun upon person while in or on a public street in a prohibited area of an unincorporated area of a county or city and county
New	26350(a)(1)(C)		Openly carry unloaded handgun upon person while in or on public place in a prohibited area of a county or city and county
New	26350(a)(2)(A)		Openly carry unloaded handgun inside or on a vehicle, whether or not on his/her person, while in or on a public place or public street in an incorporated city or city and county
New	26350(a)(2)(B)		Openly carry unloaded handgun inside or on a vehicle, whether or not on his/her person, while in or on a public street in a prohibited area of an unincorporated area of a county or city and county
New	26350(a)(2)(C)		Openly carry unloaded handgun inside or on a vehicle, whether or not on his/her person, while in or on a public place in a prohibited area of a county or city and county

LASD - FOSS - 11/29/2011

UOF Report Format.pdf

Use of Force Report Template

Origin: *(How and when you got to the incident)*

Scene: *(The location including any environmental factors that affected or contributed to your decision to use force.)*

Techniques/Weapons Used: *(List only those weapons used by you, IE: Body weapons, Impact weapons, Firearms, & restraints.)*

Narrative: *(What you did based on your observations and perceptions of the events. Be sure to explain any De-escalation techniques used (if applicable) and justification for the use of force per 835 PC, 835a PC, 836.5 PC, 843 PC)*

Subject Statements: *(Any specific statements made by the subject that relate to the force used, either pre or post event.)*

Specialized Training: *(If you have received specialized or unique training and it was needed to apply the technique used, explain here.)*

Injuries: *(Any injuries observed, verbally conveyed as complaints of pain, or treated for by medical staff).*

Officer(s):

Subject(s):

Aftercare provided: *(First aid, mental health, or emergency medical services provided.)*

Evidence: *(MAV, BWC, Port Cameras, Privately owned cameras, photos, audio, medical reports, etc.)*

SD County Active Shooter Protocol.pdf



San Diego County POLICE CHIEFS' & SHERIFF'S Association

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Chula Vista, CA 91910
Telephone (619) 691-5150

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LEGAL COUNSEL
Martin J. Mayer

Memorandum of Understanding

Inter-Agency Active Shooter Response Protocol

Protocol 5.27

June 4, 2014

WHEREAS, the San Diego County Chiefs' and Sheriff's recognized the need for protocol regarding inter-agency active shooter response within the county.

NOW, therefore, each of the signatories hereto agree and consent to the established agreement of inter-agency active shooter response protocol established June 4, 2014.

A notice of intention to revoke this consent or any part thereof shall be given to each other signatory, in writing, thirty (30) days prior to the effective date of such revocation.

San Diego County Chiefs' and Sheriffs Association Inter-Agency Active Shooter Response Protocols

PURPOSE:

A cooperative agreement between San Diego County Law Enforcement agencies regarding the response to an "Active Shooter(s)", also referred to as "Active Threat."

We also recognize that, the San Diego County Fire Chiefs' Association has a similar protocol detailing how Fire/EMS shall respond to these incidents; directives listed in both documents are intended to compliment public safety's overall efforts at stopping violence and saving lives.

BACKGROUND:

Workplace and school violence (commonly known as "active shooter") is one of the fastest growing threats to public safety. These incidents may occur at any location, and can be directed at specific individuals or facilities, or involve random targets with the goal of inflicting as many casualties as possible. Quite often the shooter(s) is prepared to die during the attack; some assailants utilize explosives to increase casualties. The size and scope of these incidents generally requires a mutual aid response involving inter-agency cooperation.

DEFINITIONS:

"Active Shooter" is defined as one or more assailants participating in a random or systematic shooting spree (or other violent act of mass-casualty), demonstrating their intent to continually harm others. Their overriding objective is to kill and injure as many people as possible. The assailants may also utilize other weapons (e.g. explosive devices, edged or blunt-force trauma weapons, or even involve weapons of mass destruction, etc.).

"Immediate Action and Rapid Deployment" (I.A.R.D.) is the swift and immediate deployment of law enforcement personnel in a crisis situation where delays could result in additional death or injury to innocent persons. Rapid deployment is intended to control, contain and neutralize threats while returning order as soon as possible. It is also intended to deliver rapid medical assistance to victims.

"Contact Team" a group of officers/deputies (average size consisting of two to five) deployed using I.A.R.D techniques to neutralize an active shooter(s).

"Rescue Team" a group of officers/deputies (also average size of two to five) deployed after a contact team(s) to begin first aid treatment of the wounded, evacuate wounded to awaiting fire/EMS personnel, and/or establish casualty collection safe points to stage and triage the wounded while still inside "Hot Zones."

"Rescue Task Force" a team of Law Enforcement/Fire/EMS (incident specific in size and number) formed to advance into "warm zones" (defined later) to triage, treat, and remove victims to safe areas.

“TCCC” Tactical Combat Casualty Care (TCCC) is the standard of care in the pre-hospital battlefield environment.

“TECC” Tactical Emergency Casualty Care (TECC) is the civilian equivalent of TCCC. Both focus on hemorrhage control techniques, including use of tourniquets, pressure dressings, and hemostatic agents.

“Zones”

Hot Zone

The area where a direct and immediate threat exists. Fire/EMS personnel will not operate in this zone unless assigned to SWAT/SED as a Tactical Medic.

Warm Zone

The area where a potential threat exists, but the threat is not direct or immediate. Fire/EMS resources may be requested to enter into warm zones for treatment and transport, but this should only be done with Force Protection and approved PPE.

Cold Zone

The area where no significant danger or threat can be reasonably anticipated. This could be achieved by distance, geographic location or inaccessible areas from the incident. The cold zone is the location for staging of resources, ICP, treatment and transportation of patients.

POLICY:

It is the policy of the San Diego County Police Chiefs’ and Sheriff’s Association that the following protocols be used during an active shooting incident. However, responding law enforcement personnel must remember that, these situations are violent and unpredictable. These protocols should serve as general guidelines. They are not intended to supersede the policies and procedures of an individual agency, nor should they override an officer/deputy’s ability to exercise good judgment in the fluid response to an unfolding tragedy.

PROCEDURES:

I. Dispatch Responsibilities:

Upon receiving a call of an active shooter, Police/Sheriff Dispatchers should execute their agency’s standard emergency procedures. As soon as possible, the affected agency should broadcast the details of the active shooter to surrounding agencies via mutual aid radio channels. Dispatchers should create any patches necessary as soon as possible to facilitate communications for mutual aid law enforcement response, as outlined in the *Law Enforcement Assistance Network* protocols for mutual aid communications. All attempts should be made to share:

- Incident Location
- Law Enforcement staging point
- Command Post location

- Special equipment and/or units requested (e.g. tactical team(s), armored vehicles, air support, air ambulances, combat/STAR medics, K-9, parent reunification support, etc.)
- Number of suspects (if known)
- Number and types of weapons (if known)
- Fire/EMS staging and triage/morgue
- Parent/reunification staging (if applicable)
- Media staging
- The primary and secondary radio frequencies, and their designated uses
- Incident Commander

Responding officers/deputies should follow the guidance and direction of dispatchers regarding the use of selected radio frequencies.

Multiple exclusive Federal jurisdictional areas within the Department of the Navy (DoN) exist within San Diego County. All emergency dispatch services for these installations are handled by the Commander Navy Region Southwest (CNRSW) Regional Dispatch Center (RDC) located in close proximity to Pacific Highway and Lindbergh Field. The RDC fulfills the critical role of connecting DoN emergency services with outside partner agencies. In related Active Shooter incidents, it become imperative to establish and maintain communications with the RDC to ensure expeditious and safe access to installations during an emergency.

II. Field Personnel Responsibilities:

- A. The closest units will be assigned as “primary” and should respond with lights and siren according to the guidelines set forth in their individual agency policies. If non-uniformed personnel respond, they will don appropriate tactical gear/clothing clearly identifying them as law enforcement (e.g. Sheriff, Police, DA’s Office, Probation, Federal Law Enforcement, etc.)
- B. The primary unit(s) responsibility is to locate the reporting party (if possible), verify the event, collect intelligence information, and begin immediate action to address the threat(s). These officers/deputies are encouraged to form a contact team (consisting of two or more responders) and begin moving to confront the suspect(s). The first officer/deputies on scene may wait for additional resources based on the suspected number of shooters, explosive threats, booby-traps, suspected WMDs, hazardous materials, etc. Conversely, this does not preclude a lone officer/deputy from advancing to eliminate the threat, should the opportunity present itself.
- C. Once a contact team moves towards the shooter(s), the objective is to locate/isolate the threat(s), mitigate/negotiate, and if necessary neutralize the threat(s). NOTE: The immediate rapid deployment into a hot zone is time-sensitive, and will likely occur before a supervisor arrives on scene.

- D. If the first officers/deputies begin advancing towards the threat(s), they should make every attempt to advise dispatch of a staging and entry location from which other responding units/contact teams should deploy.
- E. When feasible, each contact team should advise dispatch of:
- Agency name and officer/deputy's name of each team member
 - Who is the designated team leader
 - What special equipment the team will be taking (e.g. patrol rifles, less lethal, tear gas, specialized entry tools, etc)
 - Ongoing updates of team locations/movements
- Dispatch should ensure each team knows their contact/rescue team number (e.g. Contact Team #1, Rescue Team #1, etc).
- F. Whenever possible, an appropriate School Resource Officer (SRO) should be included in the contact team during a K-12 deployment. On a college/university campus, a campus officer should be included on team deployments. SROs or college/university officers/deputies are required to know the location of each school's emergency management materials (often referred to as a "crisis box" or "emergency response box" in many K-12 environments) containing information about deactivating alarms, gas/water/electrical shut-offs, location of extra emergency keys, advanced knowledge of individual school site emergency procedures, evacuation/parent reunification sites, etc.
- G. While searching for threat(s), each contact team must be conscious of 360-degree security of their team by utilizing the appropriate tactics (Cover and Movement, Diamond, "T" or other blocking formation).
- H. It is essential that initial contact teams remain focused on their primary mission eliminating all threats to stabilize the situation and prevent further injury or death. It may be necessary for contact teams to bypass wounded and/or fleeing bystanders/victims to gain stabilization that will allow the rendering of medical aid and evacuation.
- I. Officers/deputies should be prepared to direct any number of fleeing persons to a safe zone that is away from the line of fire.
- J. The responding patrol units should establish a containment perimeter as soon as possible. However, containment of the perimeter may be secondary to the formation of a rapid deployment contact team(s) into the scene as dictated by evolving circumstances.
- K. After contact teams are deployed into the scene, other responding officers should form rescue teams to locate and evacuate wounded victims.

Consideration: The rapidly evolving dynamics of an active shooter incident may necessitate that a contact team might later rescue victims, and a rescue team may confront suspect(s).

- L. A Rescue Task Force(s) may be utilized; a Rescue Task Force (RTF) is formed with officers/deputies providing security for Fire/EMS personnel as they move into a Warm Zone. The Incident Commander shall assign RTF missions to locate, triage, treat and move victims. As victims are reached, the RTF officers/deputies will provide security while medics treat victims using the concepts of TCCC (Tactical Combat Casualty Care).

III. Supervisor and Watch Commander Responsibilities:

- A. A law enforcement supervisor or Watch Commander from the appropriate jurisdiction should respond, designate a single Incident Command Post (ICP) and establish Unified Command (UC) using the Incident Command System (ICS) in cooperation with Fire, EMS, and all other essential “decision makers” operating at this single location. All support assets should be requested as deemed necessary.

Consideration: For smaller agencies, command staff may be involved in initial contact and it may be necessary for the first responding allied agency to assume IC duties.

Consideration: For officers/agents responding to DoN facilities NCIS (Naval Criminal Investigative Service) will respond as soon as possible. NCIS will integrate and assert jurisdictional control of the incident and augmentation of tactical responses. The integration will be conducted in a manner that will not impede the expeditious actions of first responders taking immediate actions to save lives.

- B. The Incident Commander should consider designating locations for evacuation points, temporary shelters, medical triage, press information staging, and areas of parent reunification.
- C. Armored vehicles should be requested immediately.
- D. The Incident Commander should assign personnel (preferably traffic and/or motor units) as soon as possible to manage the arrival/parking of responding law enforcement vehicles. Ingress/egress must remain open for Fire/EMS personnel, along with specialized law enforcement units (SWAT, K-9, Armored Vehicles, Emergency Negotiation Teams, etc).
- E. The Incident Commander should make appropriate notifications, to include the Sheriff of jurisdictional Chief of Police.
- F. The Incident Commander will be responsible for all media relations and press release information. The assignment of Press Information Officer (PIO) can be relinquished to an assisting outside agency; however, no information shall be released before approval by the jurisdictional Incident Commander. During incidents involving multiple agencies, joint press conferences are highly encouraged. This is intended to display agency cooperation to the public, along with limiting the risk of releasing conflicting information.

- G. The jurisdictional agency retains command authority. Should the event be determined domestic or international terrorism, the FBI would supersede based on their legal mandate. The local agency(s) would remain heavily involved to assist as needed.

IV. Investigations Responsibilities:

- A. Investigators from the primary jurisdiction should be responsible for conducting all necessary criminal investigations, officer involved shooting investigations, etc.
- B. Whenever possible, investigators should be utilized during the critical incident to conduct computer work-ups, gather intelligence, interview suspect(s) family/friends, etc., to assist first responders and tactical officers.
- C. The lead investigating agency can request assistance from outside agency investigators, the District Attorney's Office, Federal partners, etc.
- D. The initial investigative function is to obtain statements from fleeing or evacuated bystanders, victims, and witnesses, and to gather witness information for later interviews. Intelligence should be gathered and relayed to the command post. Wounded individuals should be contained in a safe area for medical attention, and then interviewed accordingly.
- E. If any officers/deputies discharge their firearms and/or use force during the incident, the employing officer/deputy's agency should conduct parallel administrative investigations in compliance with the department's procedure.

V. SWAT/SED and Crisis Negotiation Teams:

- A. Responding SWAT/SED personnel should be prepared for rapid deployment at the direction of the Incident Commander.
- B. If the scene has gone "static" (e.g. the suspect(s) become contained with a break in gunfire and/or there is a lull in victims being assaulted, the suspects are believed neutralized, etc.) SWAT/SED should assume responsibility for handling any hostage or barricaded suspect(s), clearing the remainder of the facility, etc.
- C. Crisis Negotiation Team(s) may be requested as needed by the Incident or Tactical Commander.

VI. Law Enforcement Medical Response, Preparations and Training:


- A. The Sheriff/Chiefs understand the need to begin rendering medical aid as soon as adequate law enforcement resources have begun advancing towards the threat(s).

- B. Officers/Deputies should work expeditiously to evacuate the wounded, and/or create casualty collection points where the wounded can be triaged and treated as safely as possible. This may also involve the formation of RTF teams. For example, officers/deputies may post armed security at the windows/doors of a school classroom, retail shop at a mall, internal conference room, etc., so a casualty collection point can be established and patient treatment initiated even before all suspects can be neutralized. Again, this should only occur after enough officers/deputies have been dispatched in contact teams to move towards the threat(s).
- C. Whenever possible, armed officers/deputies should escort Fire/EMS personnel into casualty collection points so they may begin providing advanced first aid and life support to the wounded. This may include the utilization of law enforcement armored vehicles to transport EMS personnel in/out of a scene, along with evacuating the critically injured to awaiting ambulance transport.
- D. As funding becomes available, the Sheriff and each Police Chief should issue every field officer/deputy with a gunshot trauma kit, to include the items listed in subsection E, along with an Active Shooter Response Kit (e.g. "Go bag" or tactical vest with additional rifle and handgun ammo, rope, tape, marker pens, first aid supplies, etc.)
- E. Each department's training division will do its best to include initial and refresher Tactical Law Enforcement Medical training to include at a minimum:
 - 1. Tourniquet Drills
 - 2. Wound packing with approved hemostatic agents
 - 3. Airway and open chest wound treatment
 - 4. Inter-operable lifts, drags, and carries
 - 5. Latest TACMED scene management concepts

ACTIVE SHOOTER PROTOCOL**REGISTRY #5.27****TERM OF AGREEMENT**

The parties, evidenced by their signatures hereto, agree that this Protocol shall be effective upon approval and shall remain in full force and effect until any party withdraws for participation or a revised version is established.

Agreed hereto by all parties whose signatures appear below:


B. DUMANIS, D.A., Office of the District Attorney


A. GONZALES, Chief, Bureau of Investigations


J. ABELE, Chief, California Highway Patrol


G. MORRISON, Chief, Carlsbad Police Department


D. BEJARANO, Chief, Chula Vista Police Department


J. FROOMIN, Chief, Coronado Police Department


W. SHERMAN, SAC, Drug Enforcement Administration


J. REDMAN, Chief, El Cajon Police Department


C. CARTER, Chief, Escondido Police Department


D. HEARN, SAC, Federal Bureau of Investigation


E. ACEVES, Chief, La Mesa Police Department


M. RODRIGUEZ, Chief, National City Police Department



F. MCCOY, Chief, Oceanside Police Department


B. GORE, Sheriff, San Diego County Sheriff's Department


E. PRENDERGAST, Undersheriff, SD Sheriff's Department


M. JENKINS, Chief Probation Officer, SD County Probation


S. ZIMMERMAN, Chief, San Diego Police Department


D. RAMIREZ, EA Chief, San Diego Police Department


J. BOLDUC, Chief, San Diego Harbor Police



R. LITTLEJOHN, Chief, San Diego Unified School District



L. SECKA, Chief, San Diego State University PD


O. KING, Chief, University of California San Diego PD


L. DUFFY, U.S. Attorney, U.S. Attorney's Office


P. BEESON, Chief Patrol Agent, U.S. Border Patrol


D. BENNER, SAC, U.S. Immigration & Customs Enforcement


S. STAFFORD, U.S. Marshal, U.S. Marshals Service


G. NEWQUIST, SAC, U.S. Naval Criminal Investigative Service

DATE: 6-4-14

GV-100 Petition for GVRO.pdf

Petition for Firearms Restraining Order

Clerk stamps date here when form is filed.

Read *Can a Firearms Restraining Order Help Me?* (Form GV-100-INFO) before completing this form.

1 Petitioner

a. Your Full Name: _____

- I am: ☐ A family member of the Respondent
☐ A law enforcement officer employed by
(name of law enforcement agency): _____

b. Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____
Firm Name: _____

c. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail. Law enforcement officer, give agency information.)

Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**2 Respondent**

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Venue

Why are you filing in this county? (Check all that apply):

- a. ☐ The Respondent lives in this county.
b. ☐ Other (specify): _____

4 Other Court Cases

a. Are you aware of any other court cases, civil or criminal, involving the Respondent?

- ☐ Yes ☐ No If yes, on the next page, check each kind of case and give as much information as you know as to where and when each was filed:

This is not a Court Order.

Case Number:

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Civil Harassment			
(2) <input type="checkbox"/> Domestic Violence			
(3) <input type="checkbox"/> Divorce, Nullity, Legal Separation			
(4) <input type="checkbox"/> Paternity, Parentage, Child Custody			
(5) <input type="checkbox"/> Elder or Dependent Adult Abuse			
(6) <input type="checkbox"/> Eviction			
(7) <input type="checkbox"/> Workplace Violence			
(8) <input type="checkbox"/> Criminal			
(9) <input type="checkbox"/> Other (specify):			

b. Are there now any protective or restraining orders in effect relating to Respondent?

☐ Yes ☐ No ☐ I don't know *If yes, attach a copy if you have one.*

5 Description of Respondent's Firearms

If you have reason to believe that the respondent is in possession of firearms, answer (a) or check (b).

a. ☐ I am informed, and on that basis believe, that Respondent currently possesses or controls the following firearms and ammunition. *(Describe the number, types, and locations of any firearms and ammunition that you believe that the Respondent currently possesses or controls):*

b. ☐ I am informed, and on that basis believe, that Respondent currently possesses or controls firearms and ammunition, but I have no further specific information as to the number, types, and locations of those firearms and ammunition.

6 Grounds for Issuance of a Firearms Restraining Order

I have reasonable cause to believe both of the following are true:

a. The Respondent poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

This is not a Court Order.



Case Number:

-
- This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard ruled sheet of paper. There is no handwriting or other markings on the page.

7

I request that the court issue an order prohibiting Respondent from having in his or her custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, a firearm or ammunition. I further request that Respondent be ordered to immediately surrender all firearms and ammunition currently in his or her possession to a law enforcement officer or to sell the firearms and ammunition to or store them with a licensed gun dealer.

8

I request that the court set a hearing in this matter for the purpose of issuing a firearms restraining order that will last for one year.

9

Do you want the court to make a firearms restraining order now that will last until the hearing without notice to Respondent? ☐ Yes ☐ No (If you answered yes, explain why below):

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 9—Request for Immediate Temporary Order" for a title.

This is not a Court Order.

Case Number: _____

10 ☐ **Request to Give Less Than Five Days' Notice**

You must have your papers personally served on Respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (Form GV-200-INFO explains What Is "Proof of Personal Service"? Form GV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

- ☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Request to Give Less Than Five Days' Notice" for a title.*

11 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: _____

Type or print your name

▶ _____
Sign your name

This is not a Court Order.

CLETS 101 CLETS Information.pdf

California Law Enforcement Telecommunications System (CLETS)
Information Form

- ☐ This form is submitted with the initial filing (date): _____
- ☐ This is an amended form (date): _____

Important: This form MUST NOT become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

Case Number (if you know it): _____

1 Person to Be Protected (Name): _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
 Mailing Address (listed on restraining order): _____
 City: _____ State: _____ Zip: _____ Telephone (optional): _____
 Vehicle (Type, Model, Year): _____ (License Number and State): _____

2 Person to Be Restrained (Name): _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
 Residence Address: _____
 City: _____ State: _____ Zip: _____ Telephone: _____
 Business Address: _____
 City: _____ State: _____ Zip: _____ Telephone: _____
 Employer: _____
 Occupation/Title: _____ Work Hours: _____
 Driver's License Number and State: _____ Social Security Number: _____
 Vehicle (Type, Model, Year): _____ (License Number and State): _____
 Describe any marks, scars, or tattoos: _____
 Other names used by the restrained person: _____

3 Guns or Firearms Describe any guns or firearms that you believe the person in (2) owns or has access to (Number, types, and locations): _____

4 Other People to Be Protected

Name	Date of Birth	Sex	Race	Relation to Person in (1)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- ☐ Additional persons to be protected are listed on Attachment 4.

This is not a Court Order—Do not place in court file.

481 EQUIP LIST.pdf

This list is organized in the order set forth in Government Code Section 7070(c):

A. Unmanned remotely piloted, powered aerial or ground vehicles

1. **Small Unmanned Aircraft Systems (sUAS):** An unmanned aircraft of any type that is capable of sustaining directed flight, whether pre-programmed or remotely controlled, and all the supporting or attached systems designed for gathering information through imaging, recording or by any other means.

Capability: sUAS can support first responders in any hazardous incident which would benefit from an aerial perspective. These uses could include search and rescue, barricaded suspects or high-risk tactical operations, disaster response, and video and photographic documentation of crime scenes.

Usage: The guidelines for the use of sUAS are outlined in POLICY 613 – Unmanned Aerial Systems Operations.

Training Requirements: The training requirements for the operation of sUAS are outlined in POLICY 613 –Unmanned Aerial Systems Operations.

Fiscal Impact: See Appendix B

Lifespan: Approximately five (5) years.

The Department currently possesses the following types of sUAS:

a. **DJI Phantom 4 Pro** (Quantity: See Appendix A)

Manufacturer: DJI

Manufacturer Description: An uprated camera is equipped with a 1-inch 20-megapixel sensor capable of shooting 4K/60fps video and Burst Mode stills at 14 fps. The adoption of titanium alloy and magnesium alloy construction increases the rigidity of the airframe and reduces weight, making the Phantom 4 Pro similar in weight to the Phantom 4. The Flight Autonomy system adds dual rear vision sensors and infrared sensing systems for a total of 5-direction of obstacle sensing and 4-direction of obstacle avoidance.

(Description source: <https://www.dji.com/phantom-4-pro?from=p4p-or-p4a>)

b. **DJI Spark** (Quantity: See Appendix A)

Manufacturer: DJI

Manufacturer Description: Meet Spark, a mini drone that features all of DJI's signature technologies, allowing you to seize the moment whenever you feel

inspired. With intelligent flight control options, a mechanical gimbal, and a camera with incredible image quality, Spark empowers you to push your creative boundaries.

(Description source: [Spark - DJI](#))

c. **LOKI Mk2** (Quantity: See Appendix A)

Manufacturer: Sky Hero

Manufacturer Description: Designed and built-in conjunction with several of the world's top counter terrorism teams, LOKI Mk2 solves all problems associated with the tactical use of commercial UAS.

Purpose built for close quarter indoor tactical scouting missions, LOKI Mk2 features a highly sensitive Day-Night + IR sensor camera giving it the ability to fly and see in complete darkness.

Mk2 Features

Forward-facing, .0008 lux day/night camera with 150° wide angle field of view. On board extremely sensitive HD microphone

Integrated flight stability/hover system using only onboard sensors

Front and bottom selectable and dimmable IR LED's

Turtle mode allowing the drone to automatically self-right in the event of a crash. Integrated connector for additional payloads, sensors, and actuators.

Ruggedized, user repairable cloverleaf body design

(Description Source: [Loki MK2 \(aardvarktactical.com\)](#))

d. **Parrot Anafi Thermal** (Quantity: See Appendix A)

Manufacturer: Parrot

Manufacturer Description: To balance the resolutions of the thermal image and visible image, and therefore benefit from information not visible in thermal, the displayed image is a fusion of the information from the two cameras.

Stabilized on three axes, the optical unit of ANAFI Thermal combines an infra-red sensor to the electro-optics, making it possible to identify temperatures between -10° and +400°. Thanks to the FLIR Lepton 3.5 module, it is possible to set the absolute temperature of each pixel.

(Description source: <https://www.parrot.com/us/drones/anafi-thermal>)

e. **Parrot Anafi** (Quantity: See Appendix A)

Manufacturer: Parrot

Manufacturer Description: Stabilized on 5 axles (2 mechanical axles and 3 electronic axles), the Sony optical sensor built into ANAFI allows clear images to be taken, despite the vibrations associated with drone flights. The x3 zoom and the 180° tilt of the camera provide a detailed view of the observed target.

Foldable, light, and easily deployable, ANAFI can be set up in just a few seconds.

(Description source: <https://www.parrot.com/us/drones/anafi>)

2. **Small Unmanned Tracked Robots:** An unmanned tracked robot of any type that is capable of being remotely controlled as well as all of the supporting or attached systems designed for gathering information through imaging, recording or by any other means.

Capability: Small Unmanned Tracked Robots can support first responders in any hazardous incident which would benefit from a ground level perspective. These uses could include barricaded suspects or high-risk tactical operations, disaster response, and use in crawl spaces or confined isolated areas to assist in searches for suspects or evidence.

Usage: Small Unmanned Tracked Robots are to be mainly used by the SWAT unit during high-risk operations. Additionally, the Weapons Training Unit operates a single tracked robot as a training aid for moving targets in range training scenarios.

Training Requirements: SWAT Officers authorized to operate tracked robots are required to successfully complete a SWAT Academy and are subject to extensive classroom and practical application training in the use of the robots. Additionally, SWAT Officers regularly train on safe robot deployment in a variety of operational settings. Weapons Training Unit personnel receive training from other members specifically to use the range training robot.

Fiscal Impact: See Appendix B

Lifespan: AVATAR – Two (2) year limited warranty. Lifespan varies on operational usage and wear.

The Department currently possesses the following types of Small Unmanned Tracked Robots:

- a. **AVATAR Tactical Robot** (Quantity: See Appendix A)

Manufacturer: Robotex

Manufacturer Description: Lightweight, modular, and one-man portable, the AVATAR is tested and recommended by the National Tactical Officers Association (NTOA).

Designed for rapid tactical missions, the robot is simple to operate and quick to deploy for searching rooms, hallways, stairwells, and confined spaces. With rubber tracks and articulating front and rear flippers, the AVATAR effortlessly climbs stairs. The AVATAR enhances the capabilities of SWAT by allowing them to quickly and safely inspect dangerous situations.

(Description source: <https://robotex.com/products/avatar-tactical-robot/>)

b. MK4 MILR (Weapons Training Unit Robot)

Manufacturer: Norther Lights Tactical

Manufacturer Description: The top-of-the-line TRACS model is the MILR unit. This model features 1/4-inch AR-500 armor plate that is designed to withstand impacts from rifle rounds. In addition, the TRACS-MILR model is equipped with heavy duty power electronics to handle additional load and high temperature environments. As with all models, the TRACS MILR comes with one 24-Volt sealed lead-acid battery pack, universal voltage battery charger, standard target mount kit, transmitter, transmitter carry case, one robot antenna, and DVD manual.

Description Source: (<http://northernlightstactical.com/product/tracs-milr-robot-target-system>)

B. Armored Personnel Carriers

1. **BearCat:** A 4X4, wheeled, armored personnel carrier capable of providing high ballistic protection, cover, limited breaching capability, and transport of officers and/or civilians at critical incidents and high-risk tactical operations.

Capability: BearCats can support first responders in any hazardous, high risk, or critical incident which would benefit from having a vehicle that provides a high level of ballistic protection.

Usage: The BearCat is to be used mainly by the SWAT unit but could be deployed by patrol in a critical incident. These uses could include active shooters, armed barricaded suspects, hostage situations, high-risk tactical operations, disaster response, officer/citizen rescues, and CBRNE (Chemical, Biological,

Radiological, Nuclear, and Explosive) attacks and detection. Additionally, it has equipment that allows for the breaching of buildings or vehicles.

Training Requirements: SWAT Officers authorized to operate the BearCat are required to successfully complete a month-long SWAT Academy. Additionally, SWAT Officers undergo a period of classroom instruction and a driving assessment.

Fiscal Impact: See Appendix B

Lifespan: Approximately 20 years depending on operational usage and wear.

The Department currently possesses the following types of BearCats:

- a. **BearCat G2** – 4 Door Model with CBRNE capability (Quantity: See Appendix A)

Manufacturer: Lenco

Manufacturer Description: The BearCat G2 provides Lenco's proven armor system in a ruggedized off-road platform. The G2 comes standard with a heavier duty upgraded suspension and tires, rims & run flats to provide enhanced performance. The ground clearance and robust suspension allows for emergency response in most regions and natural disaster scenarios where standard armored SWAT vehicles would experience challenges.

(Description source: <https://www.lencoarmor.com/model/bearcat-g3-police-government/>)

C. Command and Control Vehicles

1. **Mobile Command Vehicles/Specialty Equipment Vehicles:** Completely self-contained command post designed to provide the Incident Commander with a mobile base of operation, and/or vehicle(s) designed to assist at command post or critical incident scenes by storing extra equipment the SWAT team may need to complete a mission.

Capability: As a mobile base of operation and a source of equipment, these vehicles contain specialized command, control, and communications equipment to assist with this mission.

Usage: Mobile Command Vehicles are to be utilized as an Incident Command Post for planned or unplanned events. The usage guidelines for Mobile Command Vehicles are outlined in department POLICY 709 – Mobile Command Vehicle and POLICY 414 Hostage and Barricade Incidents. The usage guidelines for the SWAT Special Equipment Vehicle are in accordance with POLICY 350 and 351

350 Maritime Tactical Team (SWAT) / Special Weapons and Tactics (SWAT).

Training Requirements: The training requirements for Mobile Command Vehicles are outlined in department POLICY 709 – Mobile Command Vehicle and POLICY 709 – Mobile Command Vehicle and POLICY 414 Hostage and Barricade Incidents.

Fiscal Impact: See Appendix B

Lifespan: No lifespan indicated by manufacturer. Dependent on operational usage and wear.

The Department currently possesses the following types of Mobile Command Vehicles/SWAT Special Equipment Vehicles:

a. **SWAT Special Equipment Vehicle** (Quantity: See Appendix A)

Manufacturer: Ford

Manufacturer Description: Truck with large storage box

b. **Mobile Command Vehicle (MCV)** (Quantity: See Appendix A)

MCV is a 27-foot Mobile Command Post Vehicle.

Manufacturer: Freightliner Model MT-45

Manufacturer Description: No manufacturer description. (Custom build)

D. Specialized firearms and ammunition of less than .50 caliber, including assault weapons

1. **AR-15 Rifles:** A semi-automatic or select-fire shoulder-fired long gun that fires a rifle caliber cartridge. The Department-approved AR-15 style weapon system is designed to fire a .223/5.56 caliber projectile.

Capability: The rifle caliber carbine provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Additionally, AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor, but are not appropriate for every situation.

Usage: The usage guidelines for AR-15 Patrol Rifles are specifically outlined in POLICY 312.3.3 – Firearms - Patrol Rifles, with general firearms guidelines under POLICY 312 – Firearms, and in POLICY 300 - Use of Force.

Training Requirements: The training requirement for AR-15 rifles is a department approved patrol rifle class. This class is generally conducted by the

Harbor Police Weapons Training Unit during new hire on-boarding. The class meets California POST guidelines.

For the SWAT Unit, the AR-15 (with Daniel Defense brand barrel) is the primary weapons system utilized by the team. SWAT Officers are required to successfully complete a SWAT Academy consisting of extensive firearms training including the AR-15. While assigned to the SWAT Team, SWAT Officers partake in regular rifle training, entry and movement training, and consistent weapons qualifications to maintain proficiency with the AR-15.

Fiscal Impact: See Appendix B

Lifespan: Colt M4 Carbine Model R0977– One (1) year warranty. Barrel life rated to approximately 12,000 rounds.

Colt Law Enforcement Carbine LE 6921 Series – One (1) year warranty. Barrel life rated to approximately 12,000 rounds.

The Department currently possesses the following types of AR-15 rifles:

a. **Colt M4 Carbine Model R0977** (Quantity: See Appendix A)

Manufacturer: Colt Manufacturing LLC

Manufacturer Description: The Colt M4 is the ONLY 5.56mm carbine in the world today that is manufactured to meet or exceed the stringent performance specifications (MILSPEC) required for acceptance and use by the U.S. Armed Forces.

(Description source: <https://www.colt.com/detail-page/colt-m4-carbine-r0977>)

b. **Colt Law Enforcement Carbine LE 6921** (Quantity: See Appendix A)

Manufacturer: Colt Manufacturing LLC

Manufacturer Description: Throughout the world today, Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission. Colt's LE6920 series shares many features of its combat-proven brother, the Colt M4.

(Description source: <https://www.colt.com/detail-page/colt-le6920-carbine-223556-161-301-pmag-mbus-4-pos-stk-blk>)

c. **Colt Carbine SP1** (Quantity: See Appendix A)

[*NOTE: This rifle was the product of asset forfeiture.]

Manufacturer: Colt Manufacturing (Discontinued)

Manufacturer Description: No manufacturer description – no longer in production. This is a semi-automatic, civilian version of the AR-15 that is no longer in production. It lacks some of the later enhancements of the LE Carbine, such as a forward bolt assist or a detachable carry handle. This weapon was obtained from an arrest / seizure.

a. **Daniel Defense DDM4 V4SBR** (Quantity: See Appendix A)

Manufacturer: Daniel Defense

Manufacturer Description: The DDM4 V4S AR15 style firearm is based on a configuration that we've been providing to law enforcement as well as civilian users who demand a lightweight, durable, and dependable short barreled rifle (SBR). Built around a free-floating, Cold Hammer Forged 11.5-inch barrel, the V4 S delivers optimal maneuverability, reliability, accuracy, and terminal ballistics using a wide variety of ammunition. The 10.0 inch picatinny quad rail shields the rifle's barrel and carbine length, low profile gas block. Pairing an 11.5-inch barrel and a DDM4 Rail also ensures compatibility with a wide variety of muzzle devices and sound suppressors. The independently ambidextrous GRIP-N-RIP Charging Handle accommodates left- and right-handed shooters. This rifle also comes with the ergonomic Daniel Defense Buttstock and Pistol Grip.

(Description source: <https://danieldefense.com/ddm4-v4s.html>)

2. **.308 Bolt Action Sniper Rifles:** A bolt-action shoulder-fired rifle with precision optics that fires a .308 Winchester cartridge.

Capability: The .308 bolt action Sniper Rifle provides SWAT Snipers the ability to engage hostile suspects at great distances with precision rifle fire.

Usage: .308 bolt action Sniper Rifles are to be used exclusively by officers assigned to the SWAT Sniper Team. These rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.

The use of this weapons system is also governed under SWAT / Special Weapons and Tactics (SWAT) – Long Rifle / Sniper Team

Training Requirements: SWAT Snipers must successfully complete a SWAT Academy and be a member of the SWAT Team prior to being eligible for Sniper selection. SWAT Snipers must complete a rigorous SWAT Sniper Academy, attend a POST approved Basic Sniper School, and regularly train and qualify with

various weapons systems including the .308 bolt action Sniper Rifle to maintain proficiency.

Fiscal Impact: See Appendix B

Lifespan: Accuracy International – Barrel life rated to approximately 3,000 to 6,000 rounds. Lifespan varies on operational usage and wear.

Ritter & Stark –No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

- a. **Accuracy International AT LE .308 Bolt Action Rifle** (Quantity: See Appendix A)

Manufacturer: Accuracy International

Manufacturer Description: The standard model has a fixed stock with 24-inch, quick change, plain barrel. There are options for color, folding stock, barrels and suppressors and many accessories, which can be added. The AT is ideal for Law Enforcement and civilian users. (Description source: <https://www.accuracyinternational.com/ax308.html>)

- b. **Ritter &Stark SX-1 Modular Tactical Rifle/Barrel** (Quantity: See Appendix A)

Manufacturer: Ritter &Stark

Manufacturer Description: A long range shooting rifle for sport, tactical, police or military context. It has an interchangeable two barrel system with a matching bolt that locks directly inside either a barrel for .308 Winchester (7.62x51mm) or .338 Lapua (8.6x70mm) (Description source: [Ritter & Stark SX-1 MTR modular long-range rifle | GUNSweek.com](http://Ritter%20%26%20Stark%20SX-1%20MTR%20modular%20long-range%20rifle%20|%20GUNSweek.com))

3. **338 Bolt Action Sniper Rifles:** A bolt-action shoulder-fired rifle with precision optics that fires a .338 Lapua cartridge.

Capability: The .338 bolt action Sniper Rifle provides SWAT Snipers the ability to engage hostile suspects at great distances with precision rifle fire. In some situations when the .308 bolt action rifle platform would not work, such as against vehicles, thick armor, or in very high wind, the .338 platform would be utilized.

Usage: .338 bolt action Sniper Rifles are to be used exclusively by officers assigned to the SWAT Sniper Team. These rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.

The use of this weapons system is also governed under SWAT / Special Weapons and Tactics (SWAT) – Long Rifle / Sniper Team

Training Requirements: SWAT Snipers must successfully complete a SWAT Academy and be a member of the SWAT Team prior to being eligible for Sniper selection. SWAT Snipers must complete a rigorous SWAT Sniper Academy, attend a POST approved Basic Sniper School, and regularly train and qualify with various weapons systems including the .308 bolt action Sniper Rifle to maintain proficiency.

Fiscal Impact: See Appendix B

Lifespan: Ritter & Stark –No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

a. **Ritter &Stark SX-1 Modular Tactical Rifle** (Quantity: See Appendix A)

Manufacturer: Ritter &Stark

Manufacturer Description: A long range shooting rifle for sport, tactical, police or military context. It has an interchangeable two barrel system with a matching bolt that locks directly inside either a barrel for .308 Winchester (7.62x51mm) or .338 Lapua (8.6x70mm) (Description source: [Ritter & Stark SX-1 MTR modular long-range rifle | GUNSwEEK.com](#))

4. **.223 Caliber or 5.56mm Rifle Ammunition:** Rifle ammunition manufactured specifically for rifles chambered in 5.56mm or .223 Remington. Currently there are two types of .223/5.56mm caliber rifle ammunition in use operationally by the Department.

Capability: .223 caliber or 5.56mm rifle ammunition used in conjunction with an AR-15 type rifle provides officers the ability to engage hostile suspects at distances generally greater than the effective distance of their handguns. Rifle ammunition fired from AR-15 rifles offer advantages over handguns, such as increased accuracy potential and the ability to defeat soft body armor but are not appropriate for every situation.

Usage: The usage guidelines for AR-15 Patrol Rifles are specifically outlined in 312.3.3 – Firearms - Patrol Rifles, with general firearms guidelines under POLICY 312 – Firearms, and in POLICY 300 - Use of Force,

Training Requirements: The initial training requirements for .223 caliber or 5.56mm rifle ammunition use is a department approved patrol rifle class. This class is generally conducted by the Harbor Police Weapons Training Unit during new hire on-boarding. The class meets California POST guidelines. Follow-on continuous range training is additionally conducted.

Fiscal Impact: See Appendix B

Lifespan: Approximately 10-year shelf life.

The Department currently possesses the following types of .223 caliber or 5.56mm rifle ammunition:

- a. **Practice Ammunition 5.56 X 45mm / .223 55 grain full metal jacket**
(Quantity: See Appendix A)

Manufacturer: Federal, Federal American Eagle, and Winchester

Manufacturer Description: Federal, American Eagle, or Winchester rifle ammunition offers consistent, accurate performance at a price that's perfect for high-volume shooting. The loads feature quality bullets, reloadable brass cases and dependable primers.

(Description source: <https://www.federalpremium.com/rifle/american-eagle/american-eagle-rifle/11-AE223.html>,
<https://www.federalpremium.com/rifle/american-eagle/american-eagle-rifle/11-XM193X.html>,
<https://winchester.com/Products/Ammunition/Rifle/USA/USA223LKY>

- b. **Speer LE Gold Dot .223 Remington 62 grain Rifle Ammunition** (Quantity: See Appendix A)

Manufacturer: Speer

Manufacturer Description: SPEER LE Gold Dot Duty Rifle brings proven bullet technology to rifle platform. The Gold Dot bullet was the first high performance, bonded-core bullet available in handgun ammunition, and has since set the bar for duty ammunition. The nation's number one law enforcement option is now available in rifle ammunition for agencies everywhere. These specially designed loads bring law enforcement rifle ammunition to the next level. Gold Dot rifle bullets are optimized to ensure expansion out of barrels down to 10" at a wide variety of velocities out to 200 yards. This kind of performance greatly increases the capabilities of duty rifles and gives law enforcement personnel a distinct advantage when it matters most. In addition, these new loads boast outstanding feeding in short, very short and standard-length AR platforms.

(Description source: <http://le.vistaoutdoor.com/ammunition/speer/rifle/details.aspx?id=24445SP>)

5. **.308 Caliber Rifle Ammunition:** Rifle ammunition manufactured specifically for rifles chambered in .308 Winchester. Currently there are various types of .308 Winchester caliber rifle ammunition in use by the Department.

Capability: .308 Winchester rifle ammunition used in conjunction with a rifle chambered in .308 Winchester provides SWAT Snipers the ability to engage hostile suspects at great distances with precision rifle fire.

Usage: .308 Winchester ammunition in conjunction with rifles chambered in .308 Winchester is to be used exclusively by officers assigned to the SWAT Sniper Team. This ammunition and .308 rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.

The usage guidelines for .308 Winchester ammunition used in conjunction with rifles chambered in .308 Winchester are outlined in POLICY SWAT / Special Weapons and Tactics (SWAT) – Long Rifle / Sniper Team

Training Requirements: SWAT Snipers must successfully complete a SWAT Academy and be a member of the SWAT team to be eligible for Sniper selection. SWAT Snipers must complete a rigorous SWAT Sniper Academy, attend a 40-hour POST approved Basic Sniper School, and regularly train and qualify with various weapons systems chambered in .308 Winchester including the .308 bolt action Sniper rifle and .308 semi-automatic rifle to maintain proficiency.

Fiscal Impact: See Appendix B

Lifespan: Approximately 10-year shelf life.

The Department currently possesses the following types of .308 Winchester ammunition:

- a. **Federal Premium Tactical TRU .308 Winchester Ammunition (T308T)**
(Quantity: See Appendix A)
Manufacturer: Federal
Manufacturer Description: Custom made for your Urban Rifle, Tactical TRU was specifically designed for use in semi-automatic rifles or "Urban Rifles," such as variants of the M-16 or AR-15. TRU bullets are specifically engineered, ranging from fragmenting designs for tactical entry to deeper penetrating bullets for patrol. This is particularly important in today's urban settings.

(Description source:

<https://le.vistaoutdoor.com/ammunition/federal/rifle/details.aspx?id=1017>)

- b. **Federal Premium Tactical Bonded Tip .308 Winchester Ammunition (LE308TT2)** (Quantity: See Appendix A)

Manufacturer: Federal

Manufacturer Description: Designed to defeat the toughest barriers with minimal deflection, Tactical Bonded Tip has quickly become the choice for some of the most intense conditions. The .308 Win. Tactical Bonded Tip achieves accuracy and terminal performance unmatched by other ammunitions.

(Description source:

<https://le.vistaoutdoor.com/ammunition/federal/rifle/details.aspx?id=680>)

- c. **Swiss P Armor Piercing .308 Winchester 196 Grain** (Quantity: See Appendix A)

Manufacturer: Swiss P

Manufacturer Description: The tungsten carbide core is much harder and more ductile than most targets which makes it unstoppable for light armor. Because the core does not break apart during penetration it transfers outstanding residual energy to the target. Using only high-quality raw materials and producing within tight tolerances ensure an identical point of impact from batch to batch. A wide range of special purpose bullets provide the desired terminal effect on hard and soft targets on every mission. All .308 Win. SWISS P rounds have an identical point of impact at 100 m which allows the shooter to instantly change the bullet type.

(Description source: <https://www.swiss-p.com/en/Products/308-Win-SWISS-P-Armour-Piercing-127-g-196-gr>)

6. **.338 Caliber Rifle Ammunition:** Rifle ammunition manufactured specifically for rifles chambered in .338 Lapua. Currently there are various types of .338 Winchester caliber rifle ammunition in use by the Department.

Capability: .338 Lapua rifle ammunition used in conjunction with a rifle chambered in .338 provides SWAT Snipers the ability to engage hostile suspects at great distances with precision rifle fire. It also allows for greater penetration and speed, which can overcome high wind, heavy armor, and/or vehicle engine blocks.

Usage: .338 Lapua ammunition in conjunction with rifles chambered in .338 Lapua is to be used exclusively by officers assigned to the SWAT Sniper Team. This ammunition and .338 rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.

The usage guidelines for .338 Lapua ammunition used in conjunction with rifles chambered in .338 are outlined in POLICY SWAT / Special Weapons and Tactics (SWAT) – Long Rifle / Sniper Team

Training Requirements: SWAT Snipers must successfully complete a SWAT Academy and be a member of the SWAT team to be eligible for Sniper selection. SWAT Snipers must complete a rigorous SWAT Sniper Academy, attend a department approved Basic Sniper School, and regularly train and qualify with weapons systems chambered in .338 Lapua including the .338 bolt action Sniper rifle to maintain proficiency.

a. **Federal Ammunition .338 Lapua Magnum Sierra Match King 250 Grain**

Manufacturer: Federal Ammunition

Manufacturer Description: Long range isn't just a distance. It's a state of mind. A dedication to push further. And its why Federal Premium® builds Gold Medal® rifle loads. The exclusive primer design provides the best sensitivity and most consistent ballistics in the industry. The precision-built Sierra® MatchKing® bullet is shot to win more matches than any other rifle bullet. It's the only choice for the world's most elite shooters. This cartridge is designed for open air targets.

Source: www.federalpremium.com

b. **Federal Ammunition .338 American Eagle Training Round**

Manufacturer: Federal Ammunition

Manufacturer Description: American Eagle® rifle ammunition offers consistent, accurate performance at a price that's perfect for high-volume shooting. The loads feature quality bullets, reloadable brass cases and dependable primers.

Source: www.federalpremium.com

c. **Federal Ammunition .338 Trophy**

Manufacturer: Federal Ammunition

Manufacturer Description: Copper bullet construction provides up to 99 percent weight retention for the deepest penetration in an expanding bullet. Tipped bullet cavity is optimized for expansion across a broad velocity range. Grooved bullet shank for increased accuracy across a wide range of firearms. Polymer tip and boat-tail design increase the ballistic coefficient for higher downrange velocity, energy and less bullet drop.

Source: www.federalpremium.com

E. Flashbangs, Chemical Agents, Chemical Agent Delivery Devices, and Pepper Ball Launchers

1. **Diversiónary Devices aka Flashbangs:** Canisters that emit a loud noise and bright light.

Capability: Diversiónary Devices are capable of releasing large amounts of stored energy in the form of heat, light, pressure, and noise. They are intended to

temporarily distract, confuse, and disorient subjects. They can also be used as “attention-getting” devices.

Usage: Diversionary Devices are to be used exclusively by the SWAT Unit. Diversionary Devices can be used in high-risk tactical operations as an attention getting device. They can also be used during high-risk warrants, hostage rescue incidents, and some mobile field force incidents to provide an added degree of officer safety by disorienting subjects.

The usage of Diversionary Devices is also governed under HPD Policy 350 SWAT.

Training Requirements: SWAT Officers must successfully complete a SWAT Academy and are subject to ongoing extensive classroom and practical application training in the use of the Diversionary Devices. Additionally, SWAT Officers regularly train on safe device deployment in a variety of operational settings.

Fiscal Impact: See Appendix B

Lifespan: ALS Diversionary Devices – Five (5) year limited warranty. Five (5) year shelf life.

The Department currently possesses the following types of Diversionary Devices:

- a. **ALS09NR (Flashbang)** (Quantity: See Appendix A)
[*NOTE: This model is being phased out for use by the SWAT Unit and has been relegated for training use only. This is non-operational diversionary device.]

Manufacturer: ALS Defense

Manufacturer Description: The ALS09NR is a single use tactical diversionary device that produces 174 dB at 5 feet, and emits 2-4 million candela. In addition to the light and sound, the ALS09NR produces a significant pressure wave that adds to the disorienting physiological effects. The ALS09NR is non-reloadable.

(Description source: <https://www.lesslethal.com/products/distraction-diversion/als09nr-detail>)

2. **Chemical Agents and Chemical Agent Delivery Devices:** Compounds, devices, and delivery systems utilized by SWAT and not covered by - HPD POLICY 300 Use Of Force. Compounds can include irritants such as

Chlorobenzalmalononitrile (CS) or an inflammatory agent such as Oleoresin Capsicum (OC) or Pava (synthetic OC). Chemical agents can be liquid, powder, or gaseous. Delivery systems can be pyrotechnic, blast dispersion, OC Fogger, or aerosol.

Chemical agent delivery devices consist of the following:

Gas Ram: A metal device resembling a handheld pointed battering ram that can be loaded with a chemical agent canister. The gas ram can be used to introduce chemical agents into a location by piercing the wall, door, or roof of a structure.

Burn Safe: A cylindrical metal container designed to contain a pyrotechnic chemical agent canister and reduce fire hazard upon deployment into a structure.

Capability: Depending on the delivery method, chemical agents are capable of being introduced in close proximity, or from a distance. Depending on the type of delivery system and/or quantity, chemical agents can be used to saturate individual suspects, violent crowds, or areas of varied size.

Usage: Chemical agents are to be used exclusively by the SWAT Unit. Generally, during high-risk tactical incidents chemical agents can be used to dislodge a suspect from a stronghold location with the least possible danger to citizens, police, and the suspect. Chemical agents can also be used to prevent an armed suspect from accurately firing at citizens and/or officers. They can also be used in limited instances during civil unrest to disperse violent crowds.

Chemical agents are classified as specialty munitions and specific uses are governed under HPD POLICY 308-Control Devices and Techniques and 350 Maritime Tactical Team (SWAT) / Special Weapons and Tactics (SWAT)

Training Requirements: SWAT Officers authorized in the use of chemical agents have completed extensive chemical agent training upon successfully completing a SWAT academy. SWAT Officers receive regular training on the deployment and use of chemical agents. SWAT Officers are required to pass annual qualifications with the use of chemical agents and chemical agent delivery systems in order to maintain proficiency.

Fiscal Impact: See Appendix B

Lifespan: Combined Tactical Systems (CTS) Chemical Agent Canisters and Munitions – Five (5) year limited warranty. Five (5) year shelf life.

Defense Technology Chemical Agent Canisters and Munitions - Five (5) year limited warranty. Five (5) year shelf life.

First Defense Aerosol Grenade by Defense Technology
Five (5) year limited warranty. Five (5) year shelf life.

ALS Canister and Munitions – Five (5) year limited warranty. Five (5) year shelf life.

The Department currently possesses the following types of chemical agents:

- a. **Chemical Agent Flameless Tri-Chamber CS - Model: 1032** (Quantity: See Appendix A)

Manufacturer: Defense Technology/Safariland Group

Description: The Flameless Tri-Chamber CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time.

(Description source: Flameless Tri-Chamber CS Grenade - Defense Technology
(defense-technology.com))

- b. **Chemical Agent CS Triple Chaser – Model: 1026 Triple Chaser Separating Canister CS** (Quantity: See Appendix A)

Manufacturer: Defense Technology

Manufacturer Description: The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system. The grenade is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds.

(Description source: <https://www.defense-technology.com/product/triple-chaser-separating-canister-cs/>)

- c. **Chemical Agent CS SPEDE-HEAT Continuous Discharge Chemical Grenade CS -Model: 1072** (Quantity: See Appendix A)

Manufacturer: Defense Technology

Manufacturer Description: The Spede-Heat™ CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on

the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.

(Description source: <https://www.defense-technology.com/product/spede-heat-continuous-discharge-chemical-grenade-cs/>)

d. **Chemical Agent CS Canister #98 – Model 1016 Pocket Tactical Grenade CS** (Quantity: See Appendix A)

Manufacturer: Defense Technology

Manufacturer Description: The Pocket Tactical CS Grenade is small, and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full-size tactical grenade.

(Description source: <https://www.defense-technology.com/product/pocket-tactical-grenade-cs/>)

e. **Chemical Agent CS Canister #2 – Model 1072 SPEDE-HEAT Continuous Discharge Chemical Grenade CS** (Quantity: See Appendix A)

Manufacturer: Defense Technology

Manufacturer Description: The Spede-Heat CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.

(Description source: <https://www.defense-technology.com/product/spede-heat-continuous-discharge-chemical-grenade-cs/>)

f. **Ferret 40mm Powder Barricade Round CS – Model 2293** (Quantity: See Appendix A)

Manufacturer: Defense Technology

Manufacturer Description: The Ferret 40 mm Barricade Penetrating Round is filled with a CS powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard, and thin plywood. Upon impact the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.

(Description source: <https://www.defense-technology.com/product/ferret-40-mm-powder-barricade-round-cs/>)

- g. **Ferret 40mm Powder Barricade Penetrator Round, CS – Part # 2293**
(Quantity: See Appendix A)

Manufacturer: Defense Technology

Manufacturer Description: The Ferret 40mm Barricade Penetrating Round uses a powder chemical agent to primarily dislodge barricaded subject and to deny areas of refuge. The nose ruptures upon impact and instantaneously delivers its payload. It is a frangible projectile that utilizes fins and barrel rifling to offer spin stabilization. It is designed to penetrate barriers, such as windows, particleboard, doors, and interior walls and is primarily used by tactical teams.

(Description source: <https://www.aardvarktactical.com/products/ferret-40-mm-powder-round>)

- h. **Chemical Agent OC – Model: 56854 OC Aerosol Grenade 1.3% Fogger, 6 oz** (Quantity: see Appendix A)

Manufacturer: First Defense/Defense Technology

Manufacturer Description: The 6 oz. OC Aerosol Grenade will deliver its payload of 1.3% MC% OC in 20-25 seconds. This is an atomized mist which enhances the pungent 1.3% OC formulation. Ideal for area denial areas like attics, garages, etc. This device has minimum clean up. The canister may also be handheld to direct the spray pattern. This product is designed to provide room clearing ability with minimum clear up requirements.

(Description source: <https://www.defense-technology.com/product/oc-aerosol-grenade-1-3-fogger-6-ounce/>)

- i. **Chemical Agent OC - Flameless Tri-Chamber OC - Model: 1030**
(Quantity: See Appendix A)

Manufacturer: Defense Technology/Safariland Group

Manufacturer Description: The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects.

(Description source: <https://www.defense-technology.com/product/flameless-tri-chamber-oc-grenade/>)

- j. **Smoke – Model 1027 Triple Chaser Separating Canister SAF-Smoke**
(Quantity: See Appendix A)

Manufacturer: Defense Technology

Manufacturer Description: The Triple-Chaser® Saf-Smoke™ consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system and is an effective way to quickly deploy a wide blanket of agent. The grenade is 6.5 in. by 2.7 in. and delivers Saf-Smoke™. It has an approximate burn time of 20 seconds.

(Description source: <https://www.defense-technology.com/product/triple-chaser-separating-canister-saf-smoke/>)

- k. **Smoke – Model 1083 – Maximum HC Smoke Military Style Canister**
(Quantity: See Appendix A)

Manufacturer: Defense Technology

Manufacturer Description: The Military-Style Maximum Smoke Grenade comes from the Defense Technology® #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes.

(Description source: <https://www.defense-technology.com/product/maximum-smoke-hc-military-style-canister/>)

- l. **Smoke – Model ALSG972W– Continuous Discharge Grenade, White Smoke** (Quantity: See Appendix A)

Manufacturer: ALS

Manufacturer Description: The ALSG972W is a pyrotechnic canister that is designed to deliver a high volume of smoke upon initiation. Based on the M18 military design, the ALSG972W utilizes an M201A1 fuse and discharges chemical agent for approximately 30-40 seconds.

(Description source: <https://www.lesslethal.com/products/hand-deployed/alsg972w-detail>)

- m. **Gas Ram – Chemical Agent Delivery Device** (Quantity: See Appendix A)

Manufacturer: Custom Metal Concepts Inc.

Manufacturer Description: No manufacturer description. (Custom build)

- n. **Burn Safe – Chemical Agent Delivery Device (Containment Canister)**
(Quantity: See Appendix A)

Manufacturer: Burn Safe

Manufacturer Description: The Burn Safe is a double walled container constructed of aluminum. It is designed to contain the flames inside the inner chamber thereby reducing the probability of starting a fire. The Burn Safe weighs approximately 8 pounds and can easily be deployed by one tactical officer. The weight allows the user to successfully penetrate windows, screens, and glass doors. The Burn Safe allows the introduction of significant amounts of pyrotechnic non-lethal chemical agent into the target, which increases the probability of a successful resolution. The use of pyrotechnic agents has been proven to be a more effective non-lethal method of penetrating a fortified structure. The use of the Burn Safe will increase your team's effectiveness and provide you with an alternative delivery system.

(Description source:

<http://www.teargasresource.com/ProductSheets/BurnSafe.html>)

3. **Pepper Ball Launchers and Pepper Ball Munitions:** A non-lethal munitions system that employs paint ball launchers to fire "pepper balls" that contain powdered OC in place of the paint. The pepper ball delivery system combines chemical agent exposure with kinetic energy impact to aid in its effectiveness in addressing armed and/or violent individuals or crowds. Pepper ball munitions also include glass breaking rounds and marking rounds.

Capability: Pepper ball launchers give officers the ability to address an armed and/or violent suspect(s) with a non-lethal munition that delivers both chemical agent and kinetic energy impact. This combination can be extremely effective in gaining compliance or reducing threat potential with an armed and/or violent suspect(s). Due to its design, pepper balls can be delivered from a larger standoff distance allowing for an added degree of officer safety. Its high round capability and accuracy allow for its use in a wide variety of operational environments.

Usage: Pepper ball launchers and pepper ball munitions are to be used exclusively by Harbor Police Staff who have been trained in their use. Pepper ball launchers and pepper ball munitions can be used to address armed and/or violent individuals or crowds, limited instances of violent civil unrest, suicidal individuals, and individuals believed to possess or have immediate access to a deadly weapon. Pepper ball munitions can be effective in driving suspects from confined spaces or vehicles. Officers encountering a situation that requires the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor

shall respond to all pepper projectile system deployments where the suspect has been hit.

Pepper ball launchers and pepper ball munitions are classified as control devices and specific uses are governed under POLICY 308 – Control Devices and Techniques, POLICY 300 – Use of Force, and 4.91 First Amendment Assemblies

Training Requirements: Only department approved personnel certified as having completed department-approved training on the use of pepper projectile systems shall be allowed to deploy and use pepper projectile systems.

Fiscal Impact: See Appendix B

Lifespan: Pepper Ball Launcher – No manufacturer life span indicated by manufacturer. Two (2) year limited manufacturer warranty.

Pepper Ball Munitions – Approximately three (3) year shelf life.

The Department currently possesses the following types of pepper ball launchers and pepper ball munitions:

- a. **Tippmann Custom Carbine SX Pepper Ball Launcher** (Quantity: See Appendix A)

Manufacturer: Tippman

Manufacturer Description: This launcher has been designed by United Tactical Systems, LLC. (UTS) for reliability, accuracy, and durability. When properly handled, this launcher will give many years of dependable service.

(Description source: https://www.pepperball.com/wp-content/uploads/2018/12/SX_TX-Manual_2016.pdf)

- b. **Tippmann Custom Carbine S Pepper Ball Launcher** (Quantity: See Appendix A)

Manufacturer: Tippman

Manufacturer Description: The Carbine S is a Tippmann 98 Custom Non-ACT launcher, used widely in the paintball arena as a rental marker. It was first sold by PepperBall in 2006 and replaced the SA200 launcher. It has a two-piece clamshell receiver body and a flat or smooth top rail. It features a vertical front grip handle and a breech opening procedure that requires unhinging the hopper down and to the right side of the launcher...

(Description source: <https://www.pbpartsdepot.com/custcarbkits.html>)

- c. **PepperBall Live-X – Projectile Pepper Ball Munition** (Quantity: See Appendix A)

Manufacturer: PepperBall

Manufacturer Description: Our most potent and powerful concentration of PAVA pepper powder. One round of LIVE-X contains the equivalent to 10 regular PepperBall rounds.

(Description source: <https://www.pepperball.com/products/live-x/>)

- d. **PepperBall Inert – Projectile Pepper Ball Munition** (Quantity: See Appendix A)

[*NOTE: This projectile is utilized for training purposes only and contains no chemical agent.]

Manufacturer: PepperBall

Manufacturer Description: Containing a harmless, scented powder, this projectile is best suited for training, qualifications, and direct impact when chemical exposure is not desired.

(Description source: <https://www.pepperball.com/products/inert/>)

- e. **PepperBall Glass Breaker – Projectile Pepper Ball Munition** (Quantity: See Appendix A)

[*NOTE: This projectile is utilized for glass breaking applications and only to be used by a SWAT trained officer.]

Manufacturer: PepperBall

Manufacturer Description: Used to break side glass of vehicles and residential glass windows prior to the introduction of chemical agent into that area.

(Description source: <https://www.pepperball.com/products/glass-breaker/>)

F. Long Range Acoustic Device:

1. **Long Range Acoustic Device (LRAD):** The LRAD is a high intensity directional acoustical array for long range, clear speech hailing, and an emergency siren notification warning alert tone.

Capability: The sound levels of this device are controllable. It is designed to be used as a clear public address speaker and as an acoustic hailing device. The

LRAD has the capability of producing an emergency siren notification alert tone that can be used to deter or move subjects from an area.

Usage: The Port of San Diego Harbor Police Department may deploy the LRAD communication system for events where necessary to notify the public of large-scale evacuations, convey information to large crowds, hailing in emergency Search and Rescue operations, crisis negotiations, and other critical incidents. The purpose of the LRAD communication system is to communicate clear direction to individuals or groups during critical incidents where traditional communication methods are not feasible. The Port of San Diego Harbor Police will not use the LRAD communication system warning alert function for crowd dispersal or control, unless the crowd is engaged in actions that have a high likelihood of causing injury to officers or uninvolved civilians, and only after the crowd has already been provided a lawful order to disperse and is not compliant.

The usage guidelines of the LRAD are governed under Harbor Police Department POLICY 447 – Long Range Acoustic Device.

Training Requirements: The training requirements of the LRAD are governed under department POLICY 447 - Long Range Acoustic Device.

Fiscal Impact: See Appendix B

Lifespan: LRAD – Model 100X – One (1) year limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

LRAD – Model 300X - One (1) year limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

The Department currently possesses the following types of LRAD devices:

a. **LRAD - Model 100X** (Quantity: See Appendix A)

Manufacturer: Genasys/American Technology Corporation

Manufacturer Description: In addition to featuring best-in-class broadcast voice intelligibility, the LRAD 100X is 20 – 30 decibels louder than typical bullhorns and vehicle-based P.A. systems. Live or recorded broadcasts from the portable LRAD 100X are heard above crowd and background noise to ensure every message is clearly delivered.

(Description source: <https://genasys.com/lrad-products/>)

b. **LRAD – Model 300X** (Quantity: See Appendix A)

Manufacturer: Genasys/American Technology Corporation

Manufacturer Description: Designed for applications ranging from fixed security installations to mid-sized vehicles and vessels, the LRAD 300X mounts and transports to provide law enforcement, homeland security, and defense personnel unparalleled long-range communication and safe, scalable non-kinetic escalation of force.

(Description source: <https://genasys.com/lrad-products/>)

G. Extended Range Impact Weapons (ERIW), Projectile Launcher Platforms, ERIW Munitions, and Specialty Impact Munitions (SIM)

1. **40mm Launchers (Projectile Launch Platforms):** A single shot or multi-shot Extended Range Impact Weapon (ERIW) launcher capable for firing a variety of 40mm rounds.

Capability: 40mm launchers are capable of firing a variety of munitions with a maximum effective range of one hundred twenty (120) feet. 40mm launchers can deliver 40mm munitions in the form of chemical agents, sponge baton rounds, or combined use sponge baton OC chemical agent rounds.

Usage: 40mm launchers utilized with less lethal sponge baton rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in POLICY 300 Use of Force. 40mm launchers utilized with less lethal sponge baton rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon, within the force guidelines under POLICY 300 Use of Force.

The main objectives that officers attempt to achieve in using an ERIW on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death. 40mm single launchers combined with less lethal 40mm sponge baton rounds are authorized to be used by any SWAT officer that has been trained in its use and maintains current ERIW qualifications.

The usage guidelines for the 40mm single shot launcher are governed HPD POLICY 300-Use of Force and HPD POLICY 350.

40mm single shot with less lethal 40mm sponge baton rounds and/or any type of 40mm chemical agent rounds are authorized to be used by SWAT officers only.

Training Requirements: Officers that have been trained in the use of the 40mm single launcher undergo thorough classroom and live fire training in its use.

Additionally, officers trained in the use of the 40mm single launcher must pass annual ERIW qualifications to maintain proficiency.

The training requirements for officers regarding the use of the 40mm single shot launcher are governed HPD POLICY 300-Use of Force and POLICY 350 Maritime Tactical Team (SWAT) / Special Weapons and Tactics (SWAT).

SWAT Officers that are authorized to use 40mm single shot and related munitions must successfully complete a SWAT Academy and undergo extensive classroom and live fire training. Additionally, SWAT Officers are required to regularly train and qualify with 40mm launchers and projectile launch platforms on a regular basis to maintain proficiency.

Fiscal Impact: See Appendix B

Lifespan:

Lewis Machine Tool (LMT) 40mm Launchers – Two (2) year limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

The Department currently possesses the following types of 40mm launchers:

- a. **LMT – 40mm Single Shot Launcher** (Quantity: See Appendix A)
[*NOTE: For exclusive use by the SWAT Unit only]

Manufacturer: LMT Defense

Manufacturer Description: Designed for riot and tactical situations. The Launcher is low-profile and lightweight, providing single-shot capability in an easy to carry launcher. It features an adjustable gun stock, and a Picatinny mounted front grip.

(Description source: [Shop Defense Technology 40mm LMT Tactical Single Shot Launcher with Expandable Stock \(curtisblueline.com\)](http://curtisblueline.com))

2. **40mm Ammunition:** The 40MM ERIW round is a sponge baton cartridge. The sponge round has a blue-colored nose with a black base. The casing is stainless. (*NOTE: For a description and inventory of 40mm Chemical Agent Munitions, see Chemical Agents section H., 2. above)

Capability: 40mm ERIW direct impact rounds are capable of impacting a suspect at a maximum effective range of one hundred twenty (120) feet.

Usage: 40mm ammunition used in conjunction with 40mm launchers may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in governed HPD Policy 300-Use of Force. 40mm ammunition used in conjunction with 40mm launchers may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon.

The main objectives that officers attempt to achieve in using an ERIW on a subject exhibiting any of the aforementioned criteria are to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death. 40mm ammunition used in conjunction with 40mm launchers are authorized to be used by **any SWAT officer** that has been trained in its use and maintains current ERIW qualifications.

The usage guidelines for the 40mm single shot launcher governed under HPD Policy 300-Use of Force

40mm single shot launchers combined with less lethal 40mm sponge baton rounds and/or any type of 40mm chemical agent rounds are authorized to be used by SWAT Officers only.

Training Requirements: Officers that have been trained in the use of the 40mm impact ammunition in conjunction with the 40mm single launcher undergo thorough classroom and live fire training in its use. Additionally, officers trained in the use of the 40mm single launcher must pass annual ERIW qualifications to maintain proficiency.

The training requirements for officers regarding the use of 40mm ammunition in conjunction with the 40mm single shot launcher are governed under governed HPD Policy 300-Use of Force and HPD Policy 350-Maritime Tactical Team (SWAT) / Special Weapons and Tactics (SWAT).

SWAT Officers that are authorized to use 40mm single shot launchers and related munitions must successfully complete a SWAT Academy and undergo extensive classroom and live fire training. Additionally, SWAT Officers are required to regularly train and qualify with 40mm launchers on a regular basis to maintain proficiency.

The use and training requirements for the 40mm single shot launcher and related munitions as applicable to SWAT Officers are governed under HPD Policy 300-Use of Force and HPD Policy 350-Maritime Tactical Team (SWAT) / Special Weapons and Tactics (SWAT)

Fiscal Impact: See Appendix B

Lifespan: Five (5) year limited warranty. Five (5) year shelf life.

The Department currently possesses the following types of 40mm direct impact ammunition:

- a. **eXact iMpact 40mm Standard Range Sponge Round – Model 6325**
(Quantity: See Appendix A)

Manufacturer: Defense Technology

Manufacturer Description: The eXact iMpact 40 mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.

(Description source: <https://www.defense-technology.com/product/exact-impact-40-mm-standard-range-sponge-round/>)

3. **Beanbag Shotguns:** This kinetic energy projectile / Extended Range Impact Weapon (ERIW) is delivered by a standard Remington Marine Model 870, 12-gauge shotgun that is distinctive in its silver finish.

Capability: Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty (60) feet.

Usage: Beanbag shotguns utilized with beanbag rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in POLICY 300, Use of Force. Beanbag shotguns utilized with beanbag rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon, within the force guidelines of POLICY 300, Use of Force.

The main objectives that officers attempt to achieve in using an ERIW on a subject exhibiting any of the aforementioned criteria are: to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or to protect the officer, the subject, or another person from injury or death. Beanbag shotguns combined with beanbag rounds are authorized to be used by any officer that has been trained in its use and maintains current ERIW qualifications.

The usage guidelines for the beanbag shotgun are governed under POLICY 300 – Use of Force, and POLICY 308 Control Devices, and POLICY 312 Firearms.

Training Requirements: Officers that have been trained and approved in the use of the beanbag shotgun undergo thorough classroom and live fire training in its use. Additionally, officers trained in the use of the beanbag shotgun must pass annual ERIW qualifications to maintain proficiency.

The training requirements for the beanbag shotgun are completion of a Department provided or Department approved less lethal munitions class generally conducted during new-hire on boarding.

Fiscal Impact: See Appendix B

Lifespan: Remington 870 Marine Magnum – Limited lifetime warranty.
Lifespan varies on operational usage and wear

The Department currently possesses the following types of beanbag shotguns:

- a. **Remington 870 Marine – 12-gauge Beanbag Shotgun Nickel Finish**
(Quantity: See Appendix A)

Manufacturer: Remington

Manufacturer Description: A highly durable 12-gauge utility gun that resists corrosion on land or water. Electroless nickel plating covers all metal, including the inside of the barrel and receiver. The synthetic stock has generous checkering for positive control. Comes with 18 1/2" Cylinder barrel with single-bead front sight, six-round magazine, padded Cordura® and sling swivel studs.

(Description source: <https://www.remarms.com/shotguns/pump-action/model-870/model-870-special-purpose-marine-magnum>)

4. **Beanbag Ammunition:** The 12-gauge ERIW ammunition, commonly known as a beanbag round, consists of a fabric sock containing lead shot contained within a standard 2 ¾ inch shot shell casing.

Capability: Beanbag shotguns are capable of firing a 12-gauge beanbag round with a maximum effective range of sixty (60) feet.

Usage: Beanbag shotguns utilized with beanbag rounds may be deployed to impact subjects demonstrating assaultive behavior or life-threatening behavior, as defined in POLICY 300, Use of Force. Beanbag shotguns utilized with beanbag rounds may also be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon, within the force guidelines of POLICY 300 Use of Force.

The main objectives that officers attempt to achieve in using an ERIW on a subject exhibiting any of the aforementioned criteria are: to effect an investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or to protect the officer, the subject, or another person from injury or death. Beanbag shotguns combined with beanbag rounds are authorized to be used by any officer that has been trained in its use and maintains current ERIW qualifications.

The usage guidelines for the beanbag shotgun are governed under POLICY 300 – Use of Force, and POLICY 308 Control Devices, and POLICY 312 Firearms.

Training Requirements: Officers that have been trained and approved in the use of the beanbag shotgun undergo thorough classroom and live fire training in its use. Additionally, officers trained in the use of the beanbag shotgun must pass annual ERIW qualifications to maintain proficiency.

The training requirements for the beanbag shotgun are completion of a Department provided or Department approved less lethal munitions class generally conducted during new-hire on boarding.

Fiscal Impact: See Appendix B

Lifespan: Five (5) year limited warranty. Five (5) year shelf life.

The Department currently possesses the following types of Beanbag Ammunition:

- a. **12GA Super-Sock Bean Bag Ammunition – Model 2581** (Quantity: See Appendix A)

Manufacturer: Combined Tactical Systems (CTS)

Manufacturer Description: The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to “unfold” or “stabilize.” The Super-Sock is an aerodynamic projectile, and its accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is first in its class providing the point control accuracy and consistent energy to momentarily incapacitate violent, non-compliant subjects. Effective range is 75ft.

(Description source: <https://www.combinedsystems.com/product/2581-12ga-super-sock-bean-bag-priced-individually-per-cartridge-must-order-in-quantities-of-5/>)

5. **Specialty Impact Munitions (SIM):** A non-lethal training ammunition used by law enforcement agencies and militaries worldwide to deliver more realistic close-range firearms training. They consist of low energy, non-lethal cartridges,

typically manufactured with a water-soluble color marking compound. These rounds allow for shooters to obtain a visual assessment of round placement in live person training environments.

Capability: When utilized with a training munition bolt carrier group in a 5.56mm rifle platform, SIMs have an effective range of approximately 27 yards. When utilized in a pistol caliber barrel training platform (9mm), SIMs have an effective range of 25 feet.

Usage: Rifle caliber SIMs (5.56mm) are used primarily by the SWAT Unit for training purposes only. Pistol SIMs (9mm / .38 special) may be used by the SWAT Unit, In-Service Training Unit, and the Police Academy for training purposes only. These are non-operational rounds and non-operational weapons systems. These munitions provide for realistic close quarters firearms training while allowing the shooter to visually assess shot placement and accuracy in force-on-force training scenarios.

Training Requirements: SWAT Officers that use these munitions are required to successfully complete a Department Approved SWAT academy which consists of thorough instruction, practical application, and training scenarios involving the use of SIM's. Additionally, SWAT Officers use SIM's during scenario-based training on a regular basis.

In-Service Training staff, In-Service Training attendees, Police Academy Staff, and Police Recruits are given extensive firearms handling courses and weapons safety instruction to include the use of SIMs for training purposes. Department Approved Weapons Training Unit staff who oversee the use of these munitions must have completed the POST Range Safety Officer Class.

Fiscal Impact: See Appendix B

Lifespan: UTM 5.56 mm Man Marker Rounds (MMR) and 9mm UTX Rounds -18 month limited warranty. Shelf life six (6) years.

Force on Force 9mm Simunition Rounds – Shelf life five (5) years.

Simunitions FX – Shelf Life – Shelf life five (5) years

Simunition Conversion Kits and Slide Assemblies – 24 month limited warranty. No lifespan indicated by manufacturer. Lifespan varies on operational usage and wear.

The Department currently possesses the following types of Specialty Impact Munitions (SIMs) and Specialty Impact Munition (SIM) conversion kits:

a. **UTM 5.56mm Man Marker Rounds (MMR) –Model 01-0971 (Red)**

(Quantity – See Appendix A)

[*NOTE: This is a non-operational munition. This munition is used for training purposes only.]

Manufacturer: Ultimate Training Munitions (UTM)

Manufacturer Description: UTM 5.56mm Man Marker Rounds serve the following purpose:

- Accurate and reliable marking projectile for Force-on-Force or Force-on-Target training.
- Adds realism and stress to training by providing a threat of consequence with physical and visual stimulus.
- Use of Force/ROE, Tactics, Skill Building, Scenarios, Movement Drills, and other Interactive Training.
- Use as a safe prelude or alternative to ‘Live-Fire’ target or CQB training.
- Accuracy and reliability allow for multiple firearms, CQB, and marksmanship applications (360° firing, movement drills, weapon transitions).

(Description source: <https://utmworldwide.com/product/5-56mm-man-marker-round-mmnr/>)

b. Force on Force/UTM/Simunition FX 9mm Marking Rounds

(Quantity – See Appendix A)

[*NOTE: This is a non-operational munition. This munition is used for training purposes only.]

Manufacturer: Simunition – FX and UTM

Manufacturer Description: (Simunition – FX) The FX® system is comprised of FX® marking cartridges, weapon conversion kits and personal protective equipment. All three essential components are supported by a comprehensive Simunition® Scenario and Safety Certification Training Course. (UTM) The UTX® round solves most of the major issues that law enforcement officers and professional trainers experience with other 9mm non-lethal training ammunition systems. (Speer LE Force on Force) This training ammunition functions in duty pistols and rifles. Firearms must be equipped with an appropriate conversion kit.

(Description source:

https://simunition.com/en/products/fx_marking_cartridges,

<https://utmworldwide.com/products/utx-round/>,

https://www.forceonforce.com/products/training_ammunition.aspx)

c. Simunition FX .38 Special Marking Rounds

(Quantity – See Appendix A)

[*NOTE: This is a non-operational munition. This munition is used for training purposes only with shotgun-based systems.]

Manufacturer: Simunition – FX

Manufacturer Description: (Simunition – FX) The FX® system is comprised of FX® marking cartridges, weapon conversion kits and personal protective equipment. All three essential components are supported by a comprehensive Simunition® Scenario and Safety Certification Training Course.

(Description source:

https://simunition.com/en/products/fx_marking_cartridges,

<https://utmworldwide.com/products/utx-round/>,

https://www.forceonforce.com/products/training_ammunition.aspx)

d. **Simunitions 10.5” Commando Rifle Upper Assembly (Simunition® product no. 5308990 – no longer listed on website)**

(Quantity – See Appendix A)

[*NOTE: This is a non-operational upper assembly. This bolt carrier group is used for training purposes only.]

Manufacturer: Simunitions

Manufacturer Description: The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user’s own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. They are an integral part of the FX® training system along with the FX® marking cartridges and the FX® protective equipment.

(Description source: https://simunition.com/en/products/conversion_kits)

e. **Simunition Glock 17 Barrel and Slide Assembly (9mm) – Product Number 5312600** (Quantity – See Appendix A)

[*NOTE: This is a non-operational barrel. This barrel is used for training purposes only.]

Manufacturer: Simunition

Manufacturer Description: The Simunition conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX Marking Cartridges and the SecuriBlank to be fired safely from the user’s own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. They are an integral part of the FX training system along with the FX marking cartridges and the FX protective equipment.

(Description source: https://simunition.com/en/products/conversion_kits)

f. **Simunition 12-Gauge adaptor (.38 Special) – Product Number 5312430**
(Quantity – See Appendix A)

[*NOTE: This is a non-operational chamber insert that prevents live shotgun ammunition from chambering. This system is used for training purposes only.]

Manufacturer: Simunition

Manufacturer Description: The Simunition® conversion kit, conversion bolt, bolt carrier assembly and safety-ring insert allow the FX® Marking Cartridges and the SecuriBlank® to be fired safely from the user's own service weapon. These easy-to-install kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons. They are an integral part of the FX® training system along with the FX® marking cartridges and the FX® protective equipment.

(Description source: https://simunition.com/en/products/conversion_kits)

H. Night Vision Equipment and Infrared Sighting Systems

1. **Night Vision Optical Devices:** A night-vision device (NVD), also known as night optical/observation device (NOD) or night-vision goggles (NVG) is an optoelectronic device that allows images to be produced in low levels of light approaching total darkness.

Capability: Night Vision Optical Devices provide the user the ability to see an enhanced image during darkness. The use of this equipment allows a tactical advantage for officers especially when operating in low light or dark environments.

Usage: The majority of SWAT tactical operations occur at night or are conducted in low light environments. Having NVD's allows for SWAT Officers to have a tactical advantage and an added degree of officer safety when operating in those conditions. The use of NVD's is extremely advantageous during high-risk operations, hostage rescue, active shooter, and tactical operations in a wide range of environments.

NVD's are authorized for use exclusively by the SWAT and Task Force Officers. Night Vision optical enhancement devices may be utilized during tactical missions with approval from the SWAT Commanding Officer or SWAT Executive Officer.

Training Requirements: SWAT Officers employing this equipment are required to initial training by the SWAT Team's NVD Instructors. All SWAT Officers are required to pass a weapons qualification involving the use of NVD's. SWAT

Officers maintain proficiency by continual training and annual weapons qualifications with NVD's.

Fiscal Impact: See Appendix B

Lifespan: Approximately 10,000 hours.

The Department currently possesses the following types of Night Vision Optical Devices:

a. **Night Vision Device – Model AN/PVS-14** (Quantity: See Appendix A)

Manufacturer: L3Harris

Manufacturer Description: The Night Vision Device, also known by its **Night Vision Device – Model AN/PVS-14** (Quantity: See Appendix A)

Manufacturer: L3Harris

Manufacturer Description: The Night Vision Device, also known by its military nomenclature AN/PVS-14, is the U.S. military standard for night vision and can be either used as a handheld pocket scope, a right or left eye-mounted monocular or a weapon sight when mounted in conjunction with an infrared laser aimer or other night vision-compatible primary optic.

(Description source: <https://www.l3harris.com/all-capabilities/night-vision-device-an-pvs-14>)

Infrared Sighting Systems: A device attached to a firearm to aid in target acquisition. Unlike optical and iron sights where the user looks through the device to aim at the target, laser sights project a beam onto the target that provides a visual reference point. This device is used in conjunction with NVD's to aid in rapid and accurate target acquisition

Capability: This equipment, when combined with NVD's, provides the user the ability to see an enhanced image during low light conditions or darkness. The use of this equipment allows for a tactical advantage for officers. It allows officers to obtain accurate and rapid target acquisition especially when operating in a multitude of low light or dark environments.

Usage: The majority of SWAT tactical operations occur at night or are conducted in low light environments. Having NVD's in conjunction with infrared sighting systems allows for SWAT Officers to have a tactical advantage and an added degree of officer safety when operating in those conditions. The use of NVD's combined with infrared sighting systems are extremely advantageous during high-

risk operations, hostage rescue, active shooter, and tactical operations in a wide range of environments.

Infrared sighting systems are to be used exclusively by the SWAT Unit. Night Vision optical enhancement devices combined with infrared sighting systems may be utilized during tactical missions with approval from the SWAT Commanding Officer or SWAT Executive Officer.

Training Requirements: SWAT Officers employing this equipment are required to attend thirty (30) hours of initial training by the SWAT Team's NVD Instructors. All SWAT Officers are required to pass a written test and a weapons qualification involving the use of NVD's and infrared sighting systems. SWAT Officers maintain proficiency by continual training and annual weapons qualifications with NVD's and infrared sighting systems.

Fiscal Impact: See Appendix B

Lifespan: Approximately 10,000 hours.

The Department currently possesses the following types of infrared sighting systems:

- a. **Modular Advanced Weapons Laser – Direct Actions (MAWL-DA)**
(Quantity: See Appendix A)

Manufacturer: B.E. Meyers

Manufacturer Description: The MAWL-DA (Modular Advanced Weapon Laser - Direct Action) is a high-power infrared and visible green aiming and illumination laser for individual carbines.

(Description source: <https://bemeyers.com/mawl-da>)

MILITARY EQUIPMENT PROCEDURE APPENDIX – A

Department Inventory of Military Equipment – Calendar Year 2021 (Jan 2021 – Dec 2021)

[*NOTE: The inventory of certain items of consumable military equipment (i.e., ammunition, diversionary devices, chemical agents, etc.) can fluctuate throughout the year. This can be due to operational usage, training usage, operational wear, and/or manufacturer recommended replacement guidelines. The Department intends to keep the same approximate inventory of items over the course of each year. While the Department strives to provide accuracy in its inventory reporting as prescribed by law, this appendix reflects approximations of certain consumable items of military equipment at the time of this procedure's publication.]

Small Unmanned Aircraft Systems (sUAS)	
Equipment Name and Model / Manufacturer	Quantity
DJI Phantom 4 Pro / DJI	1
DJI Spark / DJI	1
LOKI MK2 / Sky Hero	2
Parrot Anafi Thermal / Parrott	2
Parrott Anafi / Parrott	3

Small Unmanned Tracked Robots	
Equipment Name and Model / Manufacturer	Quantity
AVATAR/ROBOTEX	1
Mk4 MILR / Norther Lights Tactical	1

Armored Personnel Carriers	
Equipment Name and Model / Manufacturer	Quantity
Bearcat G2 (4 Door CBRNE Capability) / Lenco	1

MILITARY EQUIPMENT PROCEDURE APPENDIX – A (continued)

Command and Control Vehicles	
Equipment Name and Model / Manufacturer	Quantity
SWAT Special Equipment Vehicle (SEV) Ford E250 panel truck	1
MCV – Command Post Vehicle / Freightliner MT-45	1

Specialized Firearms and Ammunition of less than .50 cal, Including Assault Weapons	
Equipment Name and Model / Manufacturer	Quantity
Specialized Firearms	
AR-15 Colt M4 Carbine R0977 / Colt Manufacturing LLC	102
AR-15 Colt Carbine LE 6921 Series / Colt Manufacturing LLC	63
Colt SP1 Carbine	1
AR-15 Daniel Defense DDM4 V4SBR / Daniel Defense	16

Specialized Firearms and Ammunition of less than .50 cal, Including Assault Weapons	
Equipment Name and Model / Manufacturer	Quantity
Specialized Firearms (continued)	
.308 Semi-auto Modular barrel, Ritter & Stark	1 *
.338 Semi-auto Modular barrel, Ritter & Stark	1 *
.308 Bolt Action Rifle – Accuracy International AX .308 / Accuracy International	3

*Singular firearm with two barrels (.308/.338)

MILITARY EQUIPMENT PROCEDURE APPENDIX – A (continued)

Specialized Firearms and Ammunition of less than .50 cal, Including Assault Weapons (continued)	
Equipment Name and Model / Manufacturer	Quantity
Ammunition less than .50 Cal	
Federal XM 193 American Eagle Rifle Ammunition 5.56mm X 45mm 55 grain full metal jacket / Federal	<u>SWAT Inventory</u> - Approx. 138,000 rounds <u>Range Inventory</u> - Approx. 279,000 rounds
Speer LE Gold Dot .223 Remington 62 grain Rifle Ammunition/ Speer	<u>SWAT Inventory</u> – Approx. 18,000 rounds <u>Range Inventory</u> – Approx. 78,000 rounds
Federal Premium Tactical Bonded Tip .308 Winchester Ammunition/ Federal	0 (3000 rounds currently on order)
Swiss P Armor Piercing .308 Winchester 196 grain Ammunition / Swiss P	0 (400 rounds currently on order)
.338 Sierra Match King 250 grain Federal Ammunition	0 (100 rounds currently on order)
.338 American Eagle 250 grain Federal Ammunition	0 (200 rounds currently on order)
.338 Trophy 250 grain Federal Ammunition	0 (60 rounds currently on order)

MILITARY EQUIPMENT PROCEDURE APPENDIX – A (continued)

Flashbangs, Chemical Agents, Chemical Agent Delivery Devices, and Pepper Ball Launchers	
Equipment Name and Model / Manufacturer	Quantity
Chemical Agents	
Defense Technology/Safariland Group Chemical Agent Flameless Tri-Chamber CS - Model: 1032	8
Defense Technology/Safariland Group Chemical Agent CS Triple Chaser – Model: 1026 Triple Chaser Separating Canister CS	10
Defense Technology/Safariland Group Chemical Agent CS SPEDE-HEAT Continuous Discharge Chemical Grenade CS MODEL 1072	5
Defense Technology/Safariland Group Chemical Agent CS Canister #98 – Model 1016 Pocket Tactical Grenade CS	10
Defense Technology/Safariland Group Ferret 40mm Powder Barricade Round CS – Model 2292	25
Defense Technology/Safariland Group Ferret 40mm Powder Barricade Penetrator Round, CS – Model 1292	25
First Defense / Defense Technology Chemical Agent OC – Model: 56854 OC Aerosol Grenade 1.3% Fogger, 6 oz	10

Defense Technology/Safariland Group Chemical Agent OC – Model: 1030 Flameless Tri-Chamber OC	10
Defense Technology Military Style Smoke Canister Part 1083	2
Defense Technology Triple-Chaser Separating Canister, Safe-Smoke Part No. 1027	8
ALS Continuous Discharge Grenade, White Smoke Model ALSG972W–	6

Flashbangs, Chemical Agents, Chemical Agent Delivery Devices, and Pepper Ball Launchers (continued)	
Equipment Name and Model / Manufacturer	Quantity
Diversionary Devices aka Flashbangs (continued)	
ALS09NR (Flashbang) / ALS Defense	34

MILITARY EQUIPMENT PROCEDURE APPENDIX – A (continued)

Flashbangs, Chemical Agents, Chemical Agent Delivery Devices, and Pepper Ball Launchers (continued)	
Equipment Name and Model / Manufacturer	Quantity
Chemical Agent Delivery Devices	
Gas Ram – Chemical Agent Delivery Device / Custom Metal Concepts	1
Burn Safe – Chemical Agent Delivery Device (Containment Canister) / Burn Safe	1
Pepper Ball Launcher and Pepper Ball Munitions	
Tippman FT-12 Pepper Ball Launcher / Tippman	10
PepperBall Live-X – Projectile Pepper Ball Munition / PepperBall	Approx. 6750
PepperBall Glass Breaker – Projectile Pepper Ball Munition / PepperBall	20
PepperBall Inert – Projectile Pepper Ball Munition / PepperBall	Approx. 400

MILITARY EQUIPMENT PROCEDURE APPENDIX – A (continued)

Long Range Acoustic Device (LRAD)	
Equipment Name and Model / Manufacturer	Quantity
LRAD – Model 100X / Genasys	1
LRAD – Model 300 X / Genasys	1

Extended Range Impact Weapons (ERIW), Projectile Launcher Platforms, ERIW Munitions, and Specialty Impact Munitions (SIM)	
Equipment Name and Model / Manufacturer	Quantity
40mm Launchers	
Model LMT-40 (40mm Single Shot Launcher) / Lewis Machine Tool	2

MILITARY EQUIPMENT PROCEDURE APPENDIX – A (continued)

Extended Range Impact Weapons (ERIW), Projectile Launcher Platforms, ERIW Munitions, and Specialty Impact Munitions (SIM) (continued)	
Equipment Name and Model / Manufacturer	Quantity
Beanbag Shotguns	
Remington 870 Police Marine Magnum – 12-gauge Beanbag Shotgun / Remington	31
40mm Ammunition	
eXact iImpact 40mm Standard Range Sponge Round – Model 6325 / Defense Technology	SWAT-12
Beanbag Ammunition	
12GA Super-Sock Bean Bag Ammunition – Model 2581 / CTS	Approx. 2000
Specialty Impact Munitions (SIM)	
UTM 5.56mm Man Marker Rounds (MMR) –Model 01-0972 (Blue) / Ultimate Training Munitions	Approx. 14,000
Force on Force Simunition 9mm Marking Rounds / Simunition	Approx. 14,100
Simunition .38 Special Marking Rounds (Foe 12-Gauge Adapters) / Simunition	Approx. 500
Simmunition M-4 Commando Assembly (Simunition® product no. 5308815)	14
Simunition Glock 17 Barrel and Slide Assembly (9mm) / Simunition	13
Simunition 12-Gauge Adaptor (.38 Special) / Simunition	4

MILITARY EQUIPMENT PROCEDURE APPENDIX – A (continued)

Night Vision Equipment and Infrared Sighting Systems	
Equipment Name and Model / Manufacturer	Quantity
Night Vision Optical Devices (NVD)	
Night Vision Device – Model AN/PVS-14 / L3Harris	16
Infrared Sighting Systems	
Modular Advanced Weapons Laser – Direct Actions (MAWL-DA) BE Meyers	7

MILITARY EQUIPMENT PROCEDURE APPENDIX – B

FISCAL IMPACT – Fiscal Year 2022 (July 2021 – June 2022)

Small Unmanned Aircraft Systems (sUAS)			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
DJI Phantom 4 Pro / DJI	\$1,599.99 / General Fund	N/A	TBD
DJI Spark / DJI	\$399.99 / General Fund	N/A	TBD
LOKI MK2 / Sky Hero	\$10,000.00/ General Fund	N/A	TBD
Parrot Anafi Thermal / Parrott	\$1,900.00 / General Fund	N/A	\$12,000.00 (total UAS projected budget)
Parrott Anafi / Parrott	\$599.99 / General Fund	N/A	\$12,000.00 (total UAS projected budget)

Small Unmanned Tracked Robots			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
AVATAR / by Robotex	\$48,500.00 per unit / JAG Grant 2018	\$10,000.00	\$11,000.00
Mk4 MILR / Norther Lights Tactical (Weapons Training Unit)	N/A due to age of purchase	\$0	\$0

Armored Personnel Carriers			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Bearcat G2 (4 Door CBRNE Capability) / Lenco	\$397,871/ UASI Grant 2019	Maintenance costs TBD	Maintenance costs TBD

Command and Control Vehicles			
Equipment Name and Model / Manufacturer	Initial Unit Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
SWAT Special Equipment Vehicle (SEV) / FORD E250 Truck	\$50,000 / WTU Budget	Maintenance costs TBD	Maintenance costs TBD
MCV – Command Post Vehicle / Freightliner MT-45	\$480929.24 / General Fund, Grant 2008	Maintenance costs TBD	Maintenance costs TBD

MILITARY EQUIPMENT PROCEDURE APPENDIX – B (continued)

Specialized Firearms and Ammunition of less than .50 cal, Including Assault Weapons			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Specialized Firearms			
AR-15 Colt M4 Carbine R0977 / Colt Manufacturing LLC	\$1019.90 per unit / Asset Forfeiture	Under \$500 (approx.)	\$2,000 (parts)
AR-15 Colt Carbine LE 6921 Series / Colt Manufacturing LLC	\$801.50 per unit / Asset Forfeiture and General Fund	Under \$500 (approx.)	\$2,000 (parts)
AR-16 Colt SP-1 (Civilian Carbine)	Seized weapon	\$0	\$0
AR-15 Daniel Defense DDM4 V4SBR / Daniel Defense	\$1,230.00 per unit / SWAT Assoc. Funds 2016	\$11,000.00 (total SWAT weapons maintenance budget)	\$12,100.00 (total SWAT weapons maintenance budget)

Specialized Firearms and Ammunition of less than .50 cal, Including Assault Weapons (continued)			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Specialized Firearms (continued)			
.308 or 338 Bolt Action Rifle - SX-1 Modular Tactical Rifle / Ritter & Stark	\$7,000 per unit / SWAT Budget 2018	N/A	.308 or 338 Bolt Action Rifle - SX-1 Modular Tactical Rifle / Ritter & Stark
.308 Bolt Action Rifle – Accuracy International AX .308 / Accuracy International	\$6,000.00 per unit / SWAT Budget 2021	N/A	.308 Bolt Action Rifle – Accuracy International AX .308 / Accuracy International

MILITARY EQUIPMENT PROCEDURE APPENDIX – B (continued)

Specialized Firearms and Ammunition of less than .50 cal, Including Assault Weapons (continued)			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Ammunition less than .50 cal			
Federal FED -AE223 American Eagle Rifle Ammunition 5.56mm X 45mm 55 grain full metal jacket / Federal	\$0.25 per round / General Fund	0	\$35,000
Speer LE Gold Dot .223 Remington 62 grain Rifle Ammunition/ Speer	\$0.435 per round / General Fund	\$5,596	\$5,600
Federal Premium Tactical Bonded Tip .308 Winchester Ammunition/ Federal	\$292.74 per 200 round case / SWAT Budget	\$0	\$8,760
Swiss P Armor Piercing .308 Winchester 196 grain Ammunition / Swiss P	\$875.00 per 200 round case /SWAT Budget	\$0	\$1,750
.338 Sierra Match King 250 Grain Federal Ammunition	\$699.00 per 200 round case/SWAT Budget	\$0	\$500
.338 American Eagle 250 Grain Federal Ammunition	\$539.00 per 200 round case/SWAT Budget	\$0	\$600
.338 Trophy 250 Grain Federal Ammunition	\$729.00 per 200 round case/SWAT Budget	\$0	\$400

Flashbangs, Chemical Agents, Chemical Agent Delivery Devices, and Pepper Ball Launchers			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Diversionary Devices aka Flashbangs			
ALS09NR (Flashbang) / ALS Defense	\$40.50 per unit / SWAT Budget	\$2,000.00 (total SWAT diversionary device budget)	\$2,000.00 (total SWAT diversionary device budget)

MILITARY EQUIPMENT PROCEDURE APPENDIX – B (continued)

Flashbangs, Chemical Agents, Chemical Agent Delivery Devices, and Pepper Ball Launchers (continued)			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Diversionsary Devices aka Flashbangs (continued)			
Rheinmetall 1 Bang (Training Device) / Rheinmetall	\$40.67 per unit \$20.62 per fuse / General Fund	\$21,175.00 (total SWAT diversionsary device budget)	\$23,300.00 (total SWAT diversionsary device budget)
ALS09NR (Flashbang) / ALS Defense	\$40.50 per unit / General Fund	None (being phased out)	None (being phased out)
ALS4140B (Training Device) / ALS Defense	\$24.48 per unit \$14.41 per fuse / General Fund	None (being phased out)	None (being phased out)
Chemical Agents			
DefTec#1032 – Flameless Tri-Chamber CS Grenade	\$40.00 per unit / SWAT Budget	\$2,800.00 (total SWAT Chemical Agent budget)	\$2,800.00 (total SWAT Chemical Agent budget)
DefTec #1026 – CS Triple Chaser Separating Canister CS	\$37.00 per unit / General Fund	\$2,800.00 (total SWAT Chemical Agent budget)	\$2,800.00 (total SWAT Chemical Agent budget)
Chemical Agent CS Canister #2 – Model 1072 SPEDE-HEAT Continuous Discharge Chemical Grenade CS / Defense Technology	Unknown cost/SWAT Budget	\$2,800.00 (total SWAT Chemical Agent budget)	\$2,800.00 (total SWAT Chemical Agent budget)
Chemical Agent CS Canister #98 – Model 1016 Pocket Tactical Grenade CS / CTS	\$22.50 per unit / SWAT Budget	\$2,800.00 (total SWAT Chemical Agent budget)	\$2,800.00 (total SWAT Chemical Agent budget)
Ferret 40mm Powder Barricade Round CS – Model 2292 / Defense Technology	\$18.88 per unit / SWAT Budget	\$2,800.00 (total SWAT Chemical Agent budget)	\$2,800.00 (total SWAT Chemical Agent budget)
Ferret 40mm Liquid Barricade Penetrator Round, OC – Model 2260 / Defense Technology	\$21.21 per unit / SWAT Budget	\$2,800.00 (total SWAT Chemical Agent budget)	\$2,800.00 (total SWAT Chemical Agent budget)
OC Aerosol Grenade 1.3% Fogger 6 oz – Model 56854 / Defense Technology	\$21.15 per unit / SWAT Budget	\$2,800.00 (total SWAT Chemical Agent budget)	\$2,800.00 (total SWAT Chemical Agent budget)
Chemical Agent OC – Flameless Tri-Chamber OC Model 1031/Defense Technology	\$40 per unit / SWAT Budget	\$2,800.00 (total SWAT Chemical Agent budget)	\$2,800.00 (total SWAT Chemical Agent budget)
Smoke – Triple Chaser Separating Canister, Model 1027/ Defense Technology	\$47.99 per unit / SWAT Budget	\$2,800.00 (total SWAT budget)	\$2,800.00 (total SWAT budget)
Smoke – Military Style Smoke Canister – White Model 1083/ Defense Technology	\$42.38 per unit / SWAT Budget	\$2,800.00 (total SWAT budget)	\$2,800.00 (total SWAT budget)
Smoke Continuous Discharge Grenade, White Smoke Model ALSG972W/ ALS	\$32.90 per unit / SWAT Budget	\$2,800.00 (total SWAT budget)	\$2,800.00 (total SWAT budget)

MILITARY EQUIPMENT PROCEDURE APPENDIX – B (continued)

Flashbangs, Chemical Agents, Chemical Agent Delivery Devices, and Pepper Ball Launchers (continued)			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Chemical Agent Delivery Devices			
Gas Ram – Chemical Agent Delivery Device / Custom Metal Concepts	\$1,875.00 per unit / SWAT Budget	\$2,800.00 (total SWAT budget)	\$2,800.00 (total SWAT budget)
Burn Safe – Chemical Agent Delivery Device (Containment Canister) / Burn Safe	\$1,275.00 per unit / SWAT Budget	\$2,800.00 (total SWAT budget)	\$2,800.00 (total SWAT budget)

Flashbangs, Chemical Agents, Chemical Agent Delivery Devices, and Pepper Ball Launchers (continued)			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Pepper Ball Launcher and Pepper Ball Munitions			
Tippman Custom S & SX Pepper Ball Launcher / Tippman	2017 \$700 (FTC Launcher) X 10 Each - \$7,000 Total / General Fund	\$6,050.00 for all Pepper Ball munitions related costs	\$6,050.00 for all Pepper Ball munitions related costs
PepperBall Live-X – Projectile Pepper Ball Munition / PepperBall	2008 \$854.99/JAR X 3 Each - \$2564.97 Total / General Fund	\$6,050.00 for all Pepper Ball munitions related costs	\$6,050.00 for all Pepper Ball munitions related costs
PepperBall Inert – Projectile Pepper Ball Munition / PepperBall	2008 \$274.99/Jar X 10 Each - \$2,749.90 Total General Fund	\$6,050.00 for all Pepper Ball munitions related costs	\$6,050.00 for all Pepper Ball munitions related costs
PepperBall Glass Breaker – Projectile Pepper Ball Munition / PepperBall	\$187.50 per 125 count case / General Fund	\$6,050.00 for all Pepper Ball munitions related costs	\$6,650.00 for all Pepper Ball munitions related costs

MILITARY EQUIPMENT PROCEDURE APPENDIX – B (continued)

Long Range Acoustic Device (LRAD)			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
LRAD – Model 100X / Genasys	\$4,995.55 / Grant 2012 WBS #P0346-4.4	None	None
LRAD – Model 300 X / Genasys	\$15,913.96 / Grant 2012 WBS #P0346-4.4	None	None

Extended Range Impact Weapons (ERIW), Projectile Launcher Platforms, ERIW Munitions, and Specialty Impact Munitions (SIM)			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
40mm Launchers			
LMT – (40mm Single Shot Launcher) / LMT Defense	\$1,600.00 per unit / SWAT Budget	N/A	N/A

MILITARY EQUIPMENT PROCEDURE APPENDIX – B (continued)

Extended Range Impact Weapons (ERIW), Projectile Launcher Platforms, ERIW Munitions, and Specialty Impact Munitions (SIM) (continued)			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Beanbag Shotguns			
Remington 870 Police – 12 gauge Beanbag Shotgun / Remington	\$1,379 per unit / Asset Forfeiture 2008 \$581.58 per unit / Asset Forfeiture 2014	\$0	\$ 500 (parts)
40mm Ammunition			
eXact iImpact 40mm Standard Range Sponge Round – Model 6325 / Defense Technology	\$17.79 per unit / SWAT Budget	\$250.00 (SWAT budget)	\$250.00 (SWAT budget)
Beanbag Ammunition			
12GA Super-Sock Bean Bag Ammunition – Model 2581 / CTS	\$4.75 per round / General Fund (2014)	\$5.56 per round / General Fund	\$6,000
Specialty Impact Munitions (SIM)			
UTM 5.56mm Man Marker Rounds (MMR) – Model 01-0972 (Blue) / Ultimate Training Munitions	\$0.77 per round / General Fund	None	None
Force on Force Simunition 9mm Marking Rounds / Simunition	\$0.47 per round / General Fund	None	None
Force on Force Simunition .38 Special Marking Rounds / Simunition (Shotgun Kit)	Unknown Cost / Unknown Funding Source	None	None
UTM M16/M4 Rifle Bolt 10” Carrier Assembly / Ultimate Training Munitions	\$315.00 per unit / General Fund	\$0	\$0
Simunition Glock 17 Barrel and Slide Assembly (9mm) / Simunition	\$486.92 per unit / General Fund	None	None
Simunition 12-Gauge Adapter	NA	None	None
UTM 5.56mm Man Marker Rounds (MMR) – Model 01-0972 (Blue) / Ultimate Training Munitions	\$0.77 per round / General Fund	None	None
Force on Force Simunition 9mm Marking Rounds / Simunition	\$0.47 per round / General Fund	None	None
Force on Force Simunition .38 Special Marking Rounds / Simunition (Shotgun Kit)	General Fund	None	None

MILITARY EQUIPMENT PROCEDURE APPENDIX – B (continued)

Night Vision Equipment and Infrared Sighting Systems			
Equipment Name and Model / Manufacturer	Initial Cost / Source Funding	Ongoing Annual Cost FY22 (approximate)	Projected Annual Cost FY23 (approximate)
Night Vision Optical Devices (NVD)			
Night Vision Device – Model AN/PVS-14 / L3Harris	\$3,550.00 per unit /UASI Grant 2020, UASI Grant 2021	\$2,000.00 (total SWAT NVD maintenance budget)	\$2,000.00 (total SWAT NVD maintenance budget)
Infrared Sighting Systems			
Modular Advanced Weapons Laser – Direct Actions (MAWL-DA) BE Meyers	\$2,930.00 per unit / SWAT Budget	\$27,000.00 (additional equipment outlay SWAT Budget)	\$7,000.00 (additional equipment outlay SWAT Budget)

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