CHIEF'S PREFACE
The 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.

Mark Stainbrook
Chief of Harbor Police
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.
MISSION STATEMENT
The mission of the Harbor Police Department is to provide uniformed police services and marine fire fighting within the territorial limits of the Port of San Diego.

Our services include professional law enforcement and support staff, interacting with the public to ensure a safe and secure environment at Lindbergh Field, on San Diego Bay and Tidelands.

We strive to provide superior customer service while meeting the needs of District tenants and the community.
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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 San Diego Harbor Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS
Sworn members of this [department/office] 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 SAN DIEGO HARBOR POLICE DEPARTMENT
The arrest authority outside the jurisdiction of the 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/office] except in cases of hot or fresh pursuit, while following up on crimes committed with 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.
Law Enforcement Authority

100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SAN DIEGO HARBOR POLICE DEPARTMENT
The arrest authority within the jurisdiction of the 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 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:

(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/office] members.

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

104.3 OATH OF OFFICE
All [department/office] 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 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 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 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 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 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:
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.
Policy Manual

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

**CHP** - The California Highway Patrol.


**District** - The District of Unified Port of San Diego.

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

**Department/SDHP** - The 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.


**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the 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 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.

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.

200.2.2 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).

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.
Organizational Structure and Responsibility

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 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 Policy

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

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

208.3 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

208.4 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

208.5 TRAINING NEEDS ASSESSMENT
The Training Unit will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by the Command Team. Upon approval by the Chief of Police, the needs assessment will form the basis for the training plan for the fiscal year.
208.6  DAILY TRAINING BULLETINS
The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the 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 a program administrator at the direction of the Chief of Harbor Police.

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 a 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.
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.
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 address the countywide 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 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 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/office] who (18 USC § 926C(c)):

(a) Separated from service in good standing from this [department/office] 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/office].
(c) Has not been disqualified for reasons related to mental health.
(d) Has not entered into an agreement with this [department/office] 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 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/Office] 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/office], 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
Retiree Concealed Firearms

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/office] 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/office].

(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 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/office] now serves under the following conditions (Penal Code § 25905):
Retiree Concealed Firearms

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

(b) This [department/office] 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/office] 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/office] at the retired officer’s expense.

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

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

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

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/Office]. In the event that an identification card is denied,
Retiree Concealed Firearms

suspended or 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 under Penal Code § 25470 for any officer retired from this [department/office] 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.

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

(b) Prior to revocation of any CCW endorsement, the [Department/Office] 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/Office], 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/Office] 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/Office] 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.
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/Office] to deliver the written notification.

220.8 FIREARM QUALIFICATIONS
The Weapons Training Unit Supervisor may provide former officers from this [department/office] 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.
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/office] is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

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

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.

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.
Use of Force

The [Department/Office] 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 officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.2.2 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).
(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.

300.2.3 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.

300.2.4 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.

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

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

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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 tools, weapons, or methods provided by the Department/Office. 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 such an instance when force is used to prevent a person from swallowing evidence or contraband, 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 San Diego Harbor Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS
If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

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

(b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES
Shots fired at or from a moving vehicle are rarely effective. Officers should 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 threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.
Use of Force

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.

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.

300.5 SHOOTING AT OR FROM MOVING VEHICLES
Shots fired at or from a moving vehicle are rarely effective. Officers should 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 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.

300.6 REPORTING THE USE OF FORCE
Any use of force by a member of this department/office 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/Office] may require the completion of additional report forms, as specified in [Department/Office] policy, procedure or law.
300.6.1 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.

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

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

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

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

300.8 TRAINING
Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

300.9 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) Use of any pain compliance techniques
(b) Use of a firearm, including less lethal
Use of Force

(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.

300.9.1 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.

300.9.2 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

300.10 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.
Deadly Force Review

302.1 PURPOSE AND SCOPE
This policy establishes a process for the 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 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.
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.
Leg Restraint Device

306.1 PURPOSE AND SCOPE
The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This section provides guidelines, policy and procedures for the proper use of these devices.

306.2 POLICY
When an officer deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only restraint devices approved by the Department shall be used, and only in the departmentally approved manner for such temporary immobilization of the legs.

306.3 USE OF RESTRAINTS
The Cordcuff Restraint is a 1/2 inch braided nylon rope, or one inch wide nylon strapping material, that is approximately 40 inches in length. The device has a loop on one end and a snap hook on the other. The snap hook has a round eye bolt and swivel base with a 1 to 2 1/2 inch shank, and is constructed of brass.

The Wrap was designed as a temporary restraining device. The wrap immobilizes the body and restricts the subject's ability to kick or do harm to oneself and others. The Wrap minimizes the time required to secure a person safely, restrains the subject in an upright position, and has the subject prepared for transport or movement.

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

306.3.2 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 and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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

306.4 CONSIDERATIONS FOR USE OF LEG RESTRAINTS

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

(a) If the officer and/or others are subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect

(b) If it is reasonable to protect the suspect from his/her own actions which would place him/her in danger, e.g. hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers

(c) The restraint shall be used only after a person has been handcuffed.

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 LEG RESTRAINTS

Officers must use good judgment when determining which Leg Restraint technique is to be used. Appropriate care must be used in the application of any Leg Restraint device(s). The restrained subject must be monitored for any physical difficulty.

(a) Hobbling Technique:

1. This technique is used to control the movement of a suspect's feet, while enabling them to walk.

2. The cordcuff is looped once around one of the suspect's legs just above the ankle and pulled taut.

3. The cordcuff is then wrapped twice around the other leg of the suspect, just above the ankle. The cordcuff is then snapped to the cross member created by the restraint.

4. The suspect can walk, but is limited in his/her movement.

(b) Waist/Handcuff Restraint:
**Leg Restraint Device**

1. This technique is used to prevent a suspect from slipping the handcuffs under the legs from behind to in front of the body.

2. The cordcuff is looped around the suspect's waist and clipped to the double locked handcuffs.

3. To make the restraint taut, the cordcuff can be wrapped around the handcuff chain.

4. On large suspects, two restraints may be joined together.

(c) Maximum Restraint/The Wrap:

1. This restraint is used as a last resort to control handcuffed people when they are violent and continue to resist or kick. The cordcuff technique incorporates the use of two or more cordcuffs.

2. A supervisor will be called to all incidents where a person is going to be placed in maximum restraints. It is preferable, if circumstances allow, that the supervisor be present when the maximum restraint/Wrap is applied.

3. The first cordcuff is used to restrain the feet by wrapping it around the ankles.

4. The subject is then rolled onto his/her side and a second cordcuff is wrapped around the person's waist. The snap hook is pulled through the loop and the slack is removed. The loop and snap should be in front of the subject. A knot can be made at the loop. The slack in the cordcuff is removed by pulling the snap hook between the subject's legs.

5. The subject is then rolled onto his/her stomach. The snap hook on the cordcuff on the ankles is brought to the snap hook from the waist and joined.

6. On large subjects, two cordcuffs may be joined to go around the waist.

7. As soon as the subject is maximally restrained, roll him/her onto their side, and monitor consciousness and breathing.

8. The Wrap is a subject restrain device produced by Safe Restraints Inc.. It is designed to safely restrain a handcuffed subject that still poses a danger to themselves and/or others, including officers. The Wrap can be applied by one person if the subject is passive, but for violent / combative subjects two to four people should be used. Only qualified personnel who have received training in the use of The Wrap should use this restraining device.

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.

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

306.6 REPORTING THE USE OF LEG RESTRAINTS

Any time the leg restraint device is used, the circumstances requiring its use shall be documented in the related report(s). The officer should include the following in the report:

(a) The amount of time the suspect was restrained

(b) How the suspect was transported and the position of the suspect

(c) Observations of the suspect's physical and physiological actions
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 capsicum (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 POLICY
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.
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
Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

Oleoresin capsicum spray may be used on handcuffed prisoners where the prisoner has become violent and is likely to cause injury to him/herself or others, or cause damage to property.

308.4.1 WATCH COMMANDER RESPONSIBILITIES
All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.
Control Devices and Techniques

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

Canisters involved in any type of malfunction or damage shall be turned in to the Supply Clerk for exchange.

308.4.3 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 deployments where the suspect has been hit. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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

308.4.4 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 within 30 minutes of application.

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.

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

308.4.5 REPORT OF USE
All uses of chemical agents shall be documented in the related arrest/crime report.
Control Devices and Techniques

308.5 BATON GUIDELINES
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
(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
Control Devices and Techniques

(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.

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
Control Devices and Techniques

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

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

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 TASER devices.

309.2 POLICY
The TASER® device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING TASER DEVICES
Only members who have successfully completed department-approved training may be issued and carry the TASER device.

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

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift. Officers shall perform their daily operational checks in a safe and professional manner.

When carried while in uniform officers shall carry the TASER device in a holster on their duty belt on the side opposite the duty weapon. If carrying the Taser Device on a load bearing vest the Taser device shall be carried in an area of the vest that is not directly above the duty weapon.

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

309.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer’s lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. This shall not constitute a use of force for reporting purposes. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

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.

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
Conducted Energy Device

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

Absent extenuating circumstances or unavailability, only qualified personnel, including certified paramedics, should carefully remove TASER darts from a person's body. Used TASER darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

All persons who have been struck by TASER darts or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.
(b) The person may be pregnant.
(c) The person reasonably appears to be in need of medical attention.
(d) The TASER darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
(e) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called excited delirium ) or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death 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 should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports.

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

The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER.
Conducted Energy Device

309.5.1 APPLICATION OF THE TASER DEVICE
The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or presents an immediate threat.

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

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

309.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

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 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 other 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 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 city police 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:
Officer-Involved Shootings and Deaths

(a) Harbor Police Patrol Captain

(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 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
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) Although the Department will honor the sensitivity of communications with peer
    counselors, there is no legal privilege to such communications. Peer counselors are
    cautioned against discussing the facts of any incident with an involved or witness
    officer.

Care should be taken to preserve the integrity of any physical evidence present on the 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.

310.6 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.

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.

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)).
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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. Any other indications of potential policy violations shall be determined in accordance with standard 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.

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
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
Officer-Involved Shootings and Deaths

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

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.
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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 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 available to the Patrol Captain and the 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 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).
Firearms

312.1 PURPOSE AND SCOPE
This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

312.2 POLICY
The San Diego Harbor Police Department will equip its members with firearms to address the risks posed to the public and [department/office] members by violent and sometimes well-armed persons. The [Department/Office] 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/Office] and have been thoroughly inspected by the Weapons Training Unit Supervisor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized [department/office] range.

All other weapons not provided by the [Department/Office], 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/office] 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 HANDGUNS
The authorized department-issued handgun is the 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 firearm 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:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beretta</td>
<td>92 models, 96 models, Cougar</td>
<td>.45 ACP, .40 S&amp;W, 9mm</td>
</tr>
<tr>
<td>Glock</td>
<td>17, 19, 21, 22, 23, 34, 35, 41</td>
<td>.45 ACP, .40 S&amp;W, 9mm</td>
</tr>
<tr>
<td>HK</td>
<td>USP, P2000, P30, VP series</td>
<td>.45 ACP, .40 S&amp;W, 9mm</td>
</tr>
</tbody>
</table>
Firearms

<table>
<thead>
<tr>
<th>Sig Sauer</th>
<th>All P series (i.e. P220, P226, P228, P229) models, (Including post-upgraded P320 Models)</th>
<th>.45 ACP, .40 S&amp;W, 9mm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith and Wesson</td>
<td>M&amp;P Models, 3rd Gen TDA</td>
<td>.45 ACP, .40 S&amp;W, 9mm</td>
</tr>
<tr>
<td>Springfield Armory</td>
<td>XD and XDm Models</td>
<td>.45 ACP, .40 S&amp;W, 9mm</td>
</tr>
<tr>
<td>Walther</td>
<td>PPQ</td>
<td>.45 ACP, .40 S&amp;W, 9mm</td>
</tr>
</tbody>
</table>

Any alternate firearm 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/office]-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/office] training in a locking weapons rack in the patrol vehicle.

312.3.3 PATROL RIFLES

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

(a) The firearm shall be in good working order and on the department list of approved firearms.
(b) No weapons will be of a uncharacteristic color/finish. Generally weapons will only have a blued / stainless style finish.
(c) The firearm 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 firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
(e) Staff will complete any required training needed prior to carrying the weapon on duty.
(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.

312.3.5 AUTHORIZED SECONDARY / OFF-DUTY HANDGUN
Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

(a) The secondary handgun 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 weapons.
(c) The purchase of the secondary handgun shall be the responsibility of the member unless the handgun is provided by the Department.
(d) The member will only carry the department issued ammunition if the weapon is in the following calibers:
   1. .40 S&W
   2. .45 ACP
   3. 9mm
   4. .38 Special / .357 Magnum
   5. .380 ACP
Firearms

6. If the 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 handgun 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 handgun 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 handgun 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 handgun is other than department issue, the Chief of Harbor Police or the authorized designee shall approve the ammunition.

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

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

312.3.6 DESK HANDGUNS
Sworn staff working administrative assignments may carry a "desk" handgun. The weapon will be securely worn in a belt holster. Any desk handgun 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 weapon, or may use a department issued weapon. The qualification course of fire for a desk weapon will be the same as that for off-duty or backup weapons.

312.3.7 AUTHORIZED OFF-DUTY FIREARMS
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 firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
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(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 firearm, 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 firearm 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 firearm are met.

(h) Members shall only carry [department/office]-issued ammunition. If the 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 San Diego Harbor Police Department identification cards under circumstances requiring possession of such identification.

312.3.8 AMMUNITION
Members shall carry only [department/office]-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all [department/office]-issued firearms during the member’s firearms qualification. Replacements for unserviceable or depleted ammunition issued by the [Department/Office] shall be dispensed by the Weapons Training Unit Supervisor when needed, in accordance with established policy.

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

312.4 EQUIPMENT
Firearms carried on or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

312.4.1 REPAIRS OR MODIFICATIONS
Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Weapons Training Unit Supervisor. Weapons Training Unit
Firearms

(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/Office] or personally owned firearms that are approved for [department/office] use may be repaired or modified only by a person who is [department/office]-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 firearm shall be done at his/her expense and must be approved by the Weapons Training Unit Supervisor.

312.4.2 HOLSTERS
Only [department/office]-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.

312.4.3 TACTICAL LIGHTS
Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the 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 OPTICS OR LASER SIGHTS
Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the 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 firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

312.5 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

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

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the 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.
Firearms

(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 firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.1 INSPECTION AND STORAGE
Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels. Firearms may be safely stored 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/office]-issued firearms to be handled by anyone not authorized by the [Department/Office] to do so. 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.)
Firearms

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

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

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

312.6 FIREARMS TRAINING AND QUALIFICATIONS
In addition to any other training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

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

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

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

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:
   1. Unauthorized range make-up
   2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.
312.7 FIREARM DISCHARGE
Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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/office] members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER® device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

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 (Penal Code § 597.1(e)).

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

312.7.3 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/office] members during hours established by the [Department/Office].

The Weapons Training Unit Supervisor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this [department/office] to verify proper operation. The Weapons Training Unit Supervisor has the authority to deem any [department/office]-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the 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/Office], 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.

312.9 RETURN OF FIREARMS
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
Firearms

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 Investigation (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.
Response To And Investigations of Bank Robberies Protocol

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 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.
Response To And Investigations of Bank Robberies Protocol

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
Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement’s duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer’s conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual’s desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.1.1 VEHICLE PURSUIT DEFINED
A vehicle pursuit is 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
It shall be the policy of this department that a vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

314.2.1 WHEN TO INITIATE A PURSUIT
Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.
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The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

(a) 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) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) 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 and the speed of the pursuit relative to these factors.

(f) Pursuing officers familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) Availability of other resources such as helicopter assistance.

(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

314.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In
Vehicle Pursuits

the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers 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) Pursued vehicle’s location is no longer definitely known.

(c) Officer’s pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.

(e) There are hazards to uninvolved bystanders or motorists.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) Pursuit is terminated by a supervisor.

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

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

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

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
Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would 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
A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Officers in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those officers should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.
Vehicle Pursuits

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 it is unable to remain reasonably close enough to the violator’s
vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the
suspects without unreasonable danger to him/herself or other persons.

Notify Dispatch that a vehicle pursuit has been initiated and as soon as practicable provide
information including, but not limited to:

(a) Reason for the pursuit.
(b) Location and direction of travel.
(c) Speed of the fleeing vehicle.
(d) Description of the fleeing vehicle and license number, if known.
(e) Number of known occupants.
(f) The identity or description of the known occupants.
(g) Information concerning the use of firearms, threat of force, injuries, hostages or other
    unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be
responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances
indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should
relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or
aircraft joining the pursuit.

314.3.4 SECONDARY UNITS RESPONSIBILITIES
The second officer in the pursuit is responsible for the following:

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into
    the pursuit.
(b) Remain a safe distance behind the primary unit unless directed to assume the role of
    primary officer, or if the primary unit is unable to continue the pursuit.
(c) The secondary officer should be responsible for broadcasting the progress of the
    pursuit unless the situation indicates otherwise.

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will
    space themselves from other involved vehicles such that they are able to see and
    avoid hazards or react safely to maneuvers by the fleeing vehicle.
Vehicle Pursuits

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

2. Pursuing units should exercise due caution when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit.

2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.

3. Requesting other units to observe exits available to the suspects.

(d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

314.3.7 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 necessary information and assistance for the arrest of the suspects.

The term trail means to follow 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 unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.
314.3.8 AIRCRAFT ASSISTANCE
When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

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

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY
It is the policy of this department that 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 the following:

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Controlling and managing SDHP units when a pursuit enters another jurisdiction.

(j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

314.4.1 WATCH COMMANDER RESPONSIBILITY
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. 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 COMMUNICATIONS
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 communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units per the Regional Communications System (RCS) protocol.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES
Upon notification that a pursuit has been initiated, Dispatch will:

(a) Coordinate pursuit communications of the involved units and personnel.
(b) Notify and coordinate with other involved or affected agencies as practicable.
(c) Ensure that a field supervisor is notified of the pursuit.
(d) Assign an incident number and log all pursuit activities.
(e) Broadcast pursuit updates as well as other pertinent information as necessary.
(f) Notify the Watch Commander as soon as practicable.

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 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
Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the San Diego Harbor Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.
Vehicle Pursuits

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

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. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION
The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

(a) Ability to maintain the pursuit
(b) Circumstances serious enough to continue the pursuit
(c) Adequate staffing to continue the pursuit
(d) The public's safety within this jurisdiction
(e) Safety of the pursuing officers

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 consideration of 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 shall 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 assistance requested or needed.

314.7 PURSUIT INTERVENTION
Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming
Vehicle Pursuits

shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

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.

314.7.2 DEFINITIONS

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a violator’s vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

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

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

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

Spikes or tack strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

314.7.3 USE OF FIREARMS
The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

314.7.4 INTERVENTION STANDARDS
Any pursuit 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 deadly force...
and subject to the requirements for such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into
consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

314.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary 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 to contain and capture the suspects.

314.8 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

(a) The primary officer should complete appropriate crime/arrest reports.

(b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.

(c) After first obtaining the available information, a field supervisor shall promptly complete a Supervisor’s Log, briefly summarizing the pursuit, and submit it to his/her manager. This log should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING
In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

314.8.2 POLICY REVIEW
Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. 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 that 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.
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.

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
Officer Response to Calls

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

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.8 FAILURE OF EMERGENCY EQUIPMENT
If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.
Canine Program

318.1 PURPOSE AND SCOPE
The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate explosives and contraband.

318.2 GUIDELINES FOR THE USE OF CANINES
(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 PREPARATION FOR UTILIZING A CANINE
Explosive Detection K-9 Teams are essential in today's law enforcement. They assist in detecting explosive devices and provide security for the Airport, Tidelands and San Diego County communities. The HPD Explosive Detection K-9 Team consists of four (4) K-9 Teams (one handler and one canine per team) and the K-9 Unit Sergeant. Explosive Detection K-9 duties are special assignments selected according to Harbor Police S.O.P. #1004. All K-9 Teams will be under the direct supervision of the K-9 Unit supervisor. The Narcotics Detection Dog Team will be assigned to a patrol squad four workdays a week and supervised by the squad supervisors. Matters involving canine policies or procedures may be referred to the K-9 Unit supervisor.

(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 indicates, locations which may be a target for explosives. HPD Explosive Detection
Canine Program

Dog Teams will conduct proactive airport patrols in areas open to the public (terminal buildings, baggage claim areas, ticket counters, etc.) as a means of high visibility/deterrent patrol.

(b) Narcotic Detection Dogs: HPD Narcotic Detection Dog Teams will be assigned a vehicle or vessel patrol assignment four (4) days a week, and will respond to routine as well as emergency calls for service.

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 will only be used while on-duty and when necessary to transport the assigned canine, and 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

318.2.3 CANINES - DAILY DUTIES
(a) Explosive Detection K-9 Handlers are authorized to drive department-issued vehicles during off-duty hours in order to permit the detection team to fulfill the TSA response time requirement. (E.g., driving with emergency lights and siren to retrieve canine partner for emergency response.) However, the K-9 handler may not use his or her department-issued vehicle if he or she is at an
event or a location that even with emergency lights and siren would prohibit a timely response to an emergency call-out.

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

(c) Explosive Detection K-9 handlers will be responsible for complying with all TSA security directives regarding the use of explosive detection K-9 teams in the airport and at other venues.

(d) Explosive Detection K-9 handlers will 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.

(e) The Canine Unit supervisor shall establish an on-call list insuring that there is always an Explosive Detection Dog team on call. It is the responsibility of the on-call Explosive Detection Dog handler to insure that they are able to respond within TSA guidelines at all times while on call. It is the on-call Explosive Detection Dog handler's responsibility to arrange for another handler to be on-call should they be unavailable to respond to calls for service. The Canine Unit sergeant must approve such arrangements in advance.

(f) Each Explosive Detection 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, and vehicles.

(g) Explosive Detection K-9 handlers should not be assigned to handle routine patrol matters unless absolutely necessary. However, Explosive Detection handlers can volunteer for calls for service, and will advise Communications if they are doing so.

(h) 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 to schools, and/or other emergency calls for service on or off Tidelands. The K-9 Team sergeant or the lieutenant overseeing the Harbor Police Canine Program must give approval for Canine Team responses to these calls 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 CANINE CALL-INS
(a) While assigned as a vehicle unit, the Narcotics Detection Canine 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 teams generally will not be called in from home, except when prior approval has been obtained from the K-9 Unit sergeant or the lieutenant overseeing the K-9 Unit.

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

318.2.6 TRAINING AIDS - USE AND CARE OF
(a) Explosive training aids will be maintained, transported and utilized per 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 CANINE SUPERVISOR
Canine Program

(a) The K-9 Unit sergeant is responsible for supervision of the Canine Team. The K-9 Unit sergeant will be responsible for maintaining and distributing weekly work schedules as needed.

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

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

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. A device is found during an Explosive Detection Dog search
8. 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 sergeant unless one of the situations noted above occurs. In these instances, a copy of the canine report placed in the sergeant's mailbox or an e-mail will suffice as proper notification of utilization.

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

318.2.8 VETRANARIAN CARE OF CANINE

(a) The Point Loma Naval Base Veterinary Clinic is the primary care provider for all HPD Police Service Dogs.

(b) In the event of serious injury or illness the Police Service Dog will be taken without delay to the Point Loma Naval Base Veterinary Clinic during office hours.

(c) 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 sergeant.
Canine Program

3. If unable to contact the on-duty 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

1. If a Narcotic Detection Dog is needed and there is a team working, requests will be done through the Communications Center.

2. If there is not an on-duty Narcotic Detection Dog, requests for service shall be made through the K-9 Unit sergeant.

(c) Other Requests for Service

1. The K-9 Unit supervisor, or lieutenant responsible for oversight of the K-9 Unit, must approve all requests for Police Service Dog assistance from outside agencies.

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

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES
The Watch Commander or the Unit Coordinator must approve all requests for 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 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 Watch Commander or the Unit Coordinator.

318.4 SELECTION OF CANINE HANDLERS
(a) 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 of 45 minutes or less (without the use of emergency lights and siren).

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 AVAILABILITY
The handler shall be available for call-out under conditions specified by the Unit Coordinator.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT
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 maintain the canine unit in a garage, secured from public view.

(c) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Harbor Police facility.

(d) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine 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 Unit Coordinator as soon as possible.

(f) When off-duty, canines shall be maintained in kennels, provided by the District, at the homes of their handlers. 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 Unit Coordinator or Watch Commander.

(i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Watch Commander.

(j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that 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 any area to which the public may have access.

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

318.5.4 HANDLER COMPENSATION
The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Memorandum of Understanding.
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

(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 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. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked 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 Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
Canine Program

(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 - LEGAL 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.
Dive Team

(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.

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.
Dive Team

319.3.1 SCREENING PROCESS
Applicants will be screened as follows:

(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)
   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

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.

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 dive 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.
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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/office] 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 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/office] 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 fiance or fiancee
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.
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:
Domestic Violence

(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:
Domestic Violence

(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 Investigative Bureau in the event that the injuries later become visible.

(f) Officer should 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.
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
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim’s behavior and actions may be affected.

(b) Provide the victim with the [department/office]’s domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain. If the case involves a possible case of manual strangulation, medical assistance should be called to evaluate the victim.
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(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) 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.

(h) 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 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)).
(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 San Diego Harbor Police Department personnel to consider when dealing with search and seizure issues.

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

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

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
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(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

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 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 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 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).

These juveniles should not be held at the San Diego Harbor Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).
Temporary Custody of Juveniles

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/Office] members should administer first aid as applicable (15 CCR 1142).

324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
[Department/Office] members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

324.4 CUSTODY OF JUVENILES
Officers should take custody of a juvenile and temporarily hold the juvenile at the 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 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 his/her entry into the San Diego Harbor Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

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 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.
Temporary Custody of Juveniles

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 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 suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under Welfare and Institutions Code § 602(b), 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/Office].
(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
(d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

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

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

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, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625). Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1(d)).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

### 324.6 JUVENILE CUSTODY LOGS

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

1. Identifying information about the juvenile.
2. Date and time of arrival and release from the San Diego Harbor Police Department (15 CCR 1150).
3. Watch Commander notification and approval to temporarily hold the juvenile.
4. Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
5. Any changes in status (e.g., emergency situations, unusual incidents).
6. Time of all safety checks.
7. Any medical and other screening requested and completed (15 CCR 1142).
8. Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1(d); 15 CCR 1145).
9. 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.

### 324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the [Department/Office] (34 USC § 11133; Welfare and Institutions Code § 207.1(d); Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.
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In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the 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 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 San Diego Harbor Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the 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) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
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(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

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 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 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 San Diego Harbor Police Department.

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 him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

(a) Age, maturity, and delinquent history
(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
Temporary Custody of Juveniles

(e) Age, type, and number of other individuals in custody at the facility

Members of this [department/office] 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/office] members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).

(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.

2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).

3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(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 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 Investigation Division Supervisor.
(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
(c) Notification of the appropriate prosecutor.
(d) Notification of the District attorney.
(e) Notification to the coroner.
(f) Notification of the juvenile court.
(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
(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 15 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.
(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

324.13.1 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/office] facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a Miranda advisement preceding the interrogation (Penal Code § 859.5).

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

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.
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(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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

324.14 FORMAL BOOKING
No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Watch Commander.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander or Investigative Bureau supervisor, giving due consideration to the following:

(a) The gravity of the offense
(b) The past record of the offender
(c) The age of the offender

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/office] shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.
Temporary Custody of Juveniles

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 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 Investigative Bureau 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 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).
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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 San Diego Harbor Police Department members as required by law.

326.1.1 DEFINITIONS
Definitions related to this policy include:

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).

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 § 15610.07; Penal Code § 368.5).

326.2 INVESTIGATIONS AND REPORTING
All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of 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 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.
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(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

(j) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(k) 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 adult abuse and investigated similarly.

326.3 QUALIFIED INVESTIGATORS
Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

326.4 MANDATORY NOTIFICATION
Members of the 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 (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she 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)).

A dependent adult is 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 (Welfare and Institutions Code § 15610.23).

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

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

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

4. When a report of abuse is received by the [Department/Office], 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 SDSS 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 Bureau 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.
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(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/Office], 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 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/Office] receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigative Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

**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 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/office] should remove an 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 adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an 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 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)).

326.6 INTERVIEWS
326.6.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected 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:
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(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

326.7 MEDICAL EXAMINATIONS
When an 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 adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

326.8.1 SUPERVISOR RESPONSIBILITIES
The Investigative Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigative Section supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.
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326.8.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigative Bureau supervisor so an interagency response can begin.

326.8.3 SUPERVISOR RESPONSIBILITIES
The Investigative Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigative Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

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

326.10 TRAINING
The [Department/Office] should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.
326.11  JURISDICTION
The 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 in such cases. However, this [department/office] will retain responsibility for the criminal investigations (Penal Code § 368.5).

326.12  RELEVANT STATUTES
Penal Code § 368 (c)

Any 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)

(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.

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:
Adult Abuse

(1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, “representative” means a person or entity that is either of the following:

1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.

2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) “Isolation” means any of the following:

1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

3. False imprisonment, as defined in Section 236 of the Penal Code.

4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a 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.
Adult Abuse

(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. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

3. Failure to protect from health and safety hazards.

4. Failure to prevent malnutrition or dehydration.

5. Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

**Welfare and Institutions Code § 15610.63**

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.

3. Rape in concert, as described in Section 264.1 of the Penal Code.

4. Spousal rape, as defined in Section 262 of the Penal Code.

5. Incest, as defined in Section 285 of the Penal Code.
(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) 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.
Discriminatory Harassment

328.1 PURPOSE AND SCOPE
The purpose of this policy is to prevent [department/office] 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 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/Office] will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The [Department/Office] 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/Office] 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/Office] 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 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 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. 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 should not be reported to the District Attorney (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 (Penal Code 11166.1; Penal Code 11166.2).

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);
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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 his/her 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.

(c) Any relevant statements the child may have made and to whom he/she made the statements.
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(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 his/her 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 his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.
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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 or Penal Code § 278.5.

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
medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9  DRUG-ENDANGERED CHILDREN
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1  SUPERVISOR RESPONSIBILITIES
The Investigative Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigative Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9.2  OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigative Bureau supervisor so an interagency response can begin.

330.10  STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:

330.10.1  RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

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

330.10.3 CACI HEARING OFFICER
The Investigative Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person’s name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

330.10.4 CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports
(b) Statements by investigators
(c) Statements from representatives of the District Attorney’s Office
(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party’s name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person’s name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

330.10.5 CHILD DEATH REVIEW TEAM
This department should cooperate with any interagency child death review team investigation (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 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 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 Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:
- [Department/Office] 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).
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).
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(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person’s intended or possible destination, if known.
(d) Forward a copy of the report to the Investigative Bureau.
(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

332.7 INVESTIGATIVE BUREAU FOLLOW-UP
As a general rule, all Missing Person Investigations will be conducted by the San Diego Police Department. However, there may be cases where the Harbor Police Investigations Bureau conduct the investigation based upon the situation. In such cases where the Investigations Bureau does conduct the investigation, they will follow the following guidelines:

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.
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(h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

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 and situation to check their welfare. The officer will then notify Harbor Police Communications who will enter the "Locate" into the NCIC/SDLaw System. The officer will complete an Officers Report noting the information and status of the missing person.

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/Office] members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.
(b) Enter the unidentified person's description into the NCIC Unidentified Person File.
(c) Use available resources, such as those related to missing persons, to identify the person.
332.9 CASE CLOSURE
The Investigative Bureau supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a resident of Unified Port of San Diego or this [department/office] 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/office] is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

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

332.10 TRAINING
Subject to available resources, the Training Sergeant should ensure that members of this [department/office] 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/office] 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.
**Missing Persons**

(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 EMPLOYEE RESPONSIBILITIES
Employees of the San Diego Harbor Police Department should notify their supervisor, Watch Commander or Investigative Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

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)):
Public Alerts

(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.
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
Public Alerts

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/office] 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 an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff’s Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigative Bureau Supervisor elects to use the services of the Sheriff’s Department, the following will apply:

(a) Notify the Sheriff’s Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.
(b) In the press release, direct the public to the telephone number provided by the Sheriff’s Department Watch Commander.
(c) The 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/office].
Public Alerts

The San Diego Harbor Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff’s Department Emergency Communications Bureau 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 Bureau.
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 San Diego Harbor Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the 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/Office] 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 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 his/her 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 San Diego Harbor Police Department jurisdiction (Penal Code § 680.2).

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/office] 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 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.
Victim and Witness Assistance

(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 PURPOSE AND SCOPE
The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 DEFINITIONS
Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

(a) Disability
(b) Gender
(c) Nationality
(d) Race or ethnicity
(e) Religion
(f) Sexual orientation
(g) Association with a person or group with one or more of these actual or perceived characteristics
(h) Examples of hate crimes include, but are not limited to:

1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
2. Defacing a person’s property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim’s actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

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 agency, library or other victim or intended victim of the offense (Penal Code § 422.56).
338.2 POLICY
The San Diego Harbor Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

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 follow-up as outlined below, including community follow-up.

(d) Educating community and civic groups about hate crime laws.

(e) The Department may establish 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 INVESTIGATIONS
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) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.

(e) 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.
Hate Crimes

1. 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)).

2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).

(f) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

(g) 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.

(h) 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.

(i) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or District Office of the General Counsel Penal Code § 136.2 or Civil Code § 52.1 as indicated).

338.4.1 SUPERVISOR RESPONSIBILITY
The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

(a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

(b) 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.

(c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.

(d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

338.5 TRAINING
All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition...
of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

338.6 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).

338.6.1 INVESTIGATIONS UNIT RESPONSIBILITY
If a case is assigned to the Investigations 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
Hate Crimes

(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

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

340.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the 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 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.
Standards of Conduct

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 employees 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:
Standards of Conduct

(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.
Standards of Conduct

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.
340.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the San Diego Harbor Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

340.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification 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.
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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 place of assignment at 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.

1. 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 San Diego Harbor Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

340.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, 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, contact telephone numbers or marital status.

(f) Incompetence
Standards of Conduct

340.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
   1. While on department premises.
   2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
   3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:
   1. Unauthorized attendance while on-duty at official legislative or political sessions.
   2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by District policy, the memorandum of understanding, or the Chief of 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
Standards of Conduct

... 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 Chief of Police.
Standards of Conduct

(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.
Department Computer Use

342.1 PURPOSE AND SCOPE
This policy describes the use of department computers, software and systems.

342.1.1 PRIVACY POLICY
Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such services.

342.2 DEFINITIONS
The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the San Diego Harbor Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISPs) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File, Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW
An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.
Department Computer Use

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

342.4 AGENCY PROPERTY
All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE
Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE
Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.
Department Computer Use

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES
All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.
Report Preparation

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

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

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

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

344.2 REQUIRED REPORTING
Written reports are required in all of the following situations on the appropriate [department/office] 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
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

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

Misdemeanor crimes where the victim does not desire a report shall be documented using the [department/office]-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/office] (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.

(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/office] 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/office] consistency.
344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Records 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, however, 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 Commander(s) may prepare and release information to the media in accordance with this policy and the applicable law.

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 MEDIA ACCESS
Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

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

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should
be coordinated through the department Watch Commander or other designated spokesperson.

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

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Harbor Police and the express consent of the person in custody.

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

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.

346.4 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
Media Relations

unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

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

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 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 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.
**Subpoenas and Court Appearances**

**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
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.

(a) 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
Maritime Tactical Team (MARTAC) / Special Weapons and Tactics (SWAT)

SWAT, and/or Critical Incident, Commander Course or its equivalent. MARTAC Team command 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.

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.

(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.

(f) MARTAC Team membership does not constitute a property interest. Suspension or removal from the MARTAC / S.W.A.T. Team, with or without cause, is at the discretion of the Chief of Harbor Police or his/her designee.

(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 callouts. 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.
MARTAC / Special Weapons and Tactics (SWAT) – Long Rifle / Sniper Team

351.1 <B>PURPOSE AND SCOPE</B>
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 <B>OPERATIONAL POLICY</B>
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 <B>LONG RIFLE / SNIPER USE OF FORCE</B>
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
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 <B>SNIPER</B><B> TRAINING</B>
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, 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.

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**
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 purpose 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 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 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 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.
Outside Agency Assistance

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 14 years 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 14 years 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.

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)).

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 following information shall not be released over the department Internet web site (Penal Code § 290.46(a):

- Any information identifying the victim
- The name and address of the offender's employer
- All criminal history of the offender, other than the specific crimes for which the person is required to register

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.
and are subject to public notification (Department of Justice fees may apply) (Penal Code § 290.4(a)).

356.5 DISSEMINATION OF PUBLIC INFORMATION
Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of 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 San Diego Harbor Police Department's website.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

356.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY
California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the Internet website, to be released to a campus community (Penal Code § 290.01(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:
Megan’s Law

(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 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 Investigations 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 (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 CORONER REQUEST
Government Code § 27491 and Health & Safety Code § 102850 direct the Medical Examiner to inquire into and determine the circumstances, manner and cause of certain deaths. The Medical Examiner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

(l) Occupational diseases or occupational hazards.
Death Investigation

(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 Medical Examiner.

360.2.2 SEARCHING DEAD BODIES
The Medical Examiner 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 Medical Examiner 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 Medical Examiner or a designee; the investigating officer shall first obtain verbal consent from the Medical Examiner 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 Medical Examiner 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 Medical Examiner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION
Notification to the next-of-kin of the deceased person shall be made by the Medical Examiner. In the rare instance in which an officer is required to make a death notification, such notification shall be made in person by the officer assigned to the incident.

360.2.4 UNIDENTIFIED DEAD BODIES
If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner'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 in the form of a crime report, with a death investigation form attached.
360.2.6  SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, a member city homicide team shall be requested through that agency's Watch Commander.

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 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.
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.
Anti-Reproductive Rights Crimes Reporting

366.1 PURPOSE AND SCOPE
This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

366.2 DEFINITIONS
Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL
(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigations Unit supervisor. A copy of the report shall also be forwarded to the Administrative Captain.

(c) By the tenth day of each month, it shall be the responsibility of the Investigations Unit Supervisor to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).
Limited English Proficiency Services

368.1 PURPOSE AND SCOPE
Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.1.1 DEFINITIONS
Definitions related to this policy include:

**Authorized interpreter** - 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 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 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 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.
Limited English Proficiency Services

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 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 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 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:
Limited English Proficiency Services

(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.

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.
Limited English Proficiency Services

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.

368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
The 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 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.

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** - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

**Deaf or hard of hearing** - An individual who has or is regarded as having substantially limited hearing with or without assistance.

**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 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 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.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
Communications with Persons with Disabilities

(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 duties. As such, this department will continue to work with community groups, local businesses
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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 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
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.
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 § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Chief of 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 § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Chief of 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 § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of 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).
Mandatory Employer Notification

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 § 11590 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of 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 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).
DNA 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 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 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

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)).

374.6.2 BLOOD SAMPLES

The Chief of Harbor Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.
Chaplains

376.1 PURPOSE AND SCOPE
This policy establishes the guidelines for 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 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) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Chief of Harbor Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

376.4 RECRUITMENT, SELECTION AND APPOINTMENT
The 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.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Harbor Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.
Chaplains

(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 San Diego Harbor Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard 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.
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.
Mentoring Program

(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/office] (Penal Code § 833.2(a)).

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

380.2 POLICY
It is the policy of this [department/office] to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The 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.
**Child and Dependent Adult Safety**

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)).
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 [department/office] 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.
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/office] 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 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.
Service Animals

- 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 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
Service Animals

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.
Volunteer Program

384.2.2 RECRUITMENT
Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

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. Fingerprint 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.
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.
(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.
Volunteer Program

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).
Photo and Curbstone Line-ups

(b) Always tell the witness:

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.
Peer Support Policy

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.


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.
Peer Support Policy

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.)*
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.

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 San Diego Harbor Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the [Department/Office] pursuant to such orders.

392.3 GUN VIOLENCE RESTRAINING ORDERS
An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her 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 orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

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).
Gun Violence Restraining Orders

(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 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS
If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Records Section for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

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.
Gun Violence Restraining Orders

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) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the [Department/Office] are properly maintained (Penal Code § 18120).

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.
Chapter 4 - Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION
Officers will generally patrol in clearly marked vehicles/vessels, patrol assigned jurisdictional areas of the Unified Port of San Diego, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day, seven days per week.
Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions
(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
(c) Calls for service, both routine and emergency in nature
(d) Investigation of both criminal and non-criminal acts
(e) The apprehension of criminal offenders
(f) Community Oriented Policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature
(g) The sharing of information between the Patrol, Marine, and Airport divisions within the Department, as well as other outside governmental agencies
(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies
(i) Traffic direction and control

400.1.2 TERRORISM
It is the goal of the San Diego Harbor Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigative Bureau Supervisor in a timely fashion.
400.2 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the San Diego Harbor Police Department.

400.2.1 CRIME REPORTS
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the Investigations Unit for follow-up and retention as appropriate.

400.2.2 PATROL LINE UPS
Patrol supervisors, investigative sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.3 INFORMATION CLIPBOARDS
Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

400.2.4 BULLETIN BOARDS
A bulletin board will be kept in the briefing room and the Investigation Unit for display of suspect information, intelligence reports and photographs. New General Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of new General Orders will be placed on the briefing room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS
Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.
Racial- or Bias-Based Profiling

402.1 PURPOSE AND SCOPE
This policy provides guidance to department members and establishes appropriate controls to ensure that members of the San Diego Harbor Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

402.1.1 DEFINITIONS
Definitions related to this policy include:

**Racial- or bias-based profiling** - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service. This includes gender identity or expression (Penal Code § 13519.4).

402.2 POLICY
The 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 and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED
Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.4 MEMBER RESPONSIBILITY
Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

402.4.1 REASON FOR DETENTION
Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual’s membership in a protected class.
Racial- or Bias-Based Profiling

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 officer’s reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.5 SUPERVISOR RESPONSIBILITY
Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors will only review MAV recordings in compliance with the Department’s Mobile Audio / Video (MAV) policy.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

402.6 ADMINISTRATION
Each year, the Administrative Captain shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Harbor Police.

This report should not contain any identifying information regarding any specific complaint, citizen 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 shall review the annual report and discuss the results with those they are assigned to supervise.

402.7 TRAINING
Training on racial- or bias-based profiling 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 racial- or bias-based profiling.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
Racial- or Bias-Based Profiling

(c) Each sworn member of this department who received initial racial- or bias-based profiling 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 and the Records Supervisor or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding citizen complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).
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.
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 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. 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/Office] 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.
Ride-Along Policy

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/office] 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 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
(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
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
(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
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 unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

414.2 POLICY
It is the policy of the 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, 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)):
Hostage and Barricade Incidents

(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 Section 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 FIELD UNIT RESPONSIBILITIES

Officers presented with a hostage and or barricaded subject situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized tactical personnel and trained negotiators. However, it is understood that hostage and/or barricaded subject 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) Establish an inner and outer perimeter.

(b) Establish a command post outside the inner perimeter.

(c) Implement the Incident Command System.

(d) Request additional personnel, resources and equipment as needed (e.g., MARTAC, SWAT, canine team, and/or air support).
(e) 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 escape or surrender prior to additional resources arriving.

(f) Establish an emergency reaction team to secure any subject or suspect who may surrender; and, to take action to mitigate a deadly threat or behavior.

(g) 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.

(h) Plan for, and stage anticipated resources.

(i) Attempt to establish preliminary communication with the suspect. All communications should be transitioned to the specialized tactical team (MARTAC or SWAT) commander and/or negotiator as appropriate.

(j) Be prepared to brief the MARTAC, SWAT or negotiator upon arrival.

(k) Provide responding emergency personnel with a safe arrival route to the location.

(l) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(m) Coordinate pursuit or surveillance vehicles and control of travel routes.

(n) Gather as much information about the suspect(s) and victim(s) as possible, including photographs, any known or suspected weapons, known or suspected injuries, additional environmental, biological or chemical hazards, other involved parties and any other relevant intelligence information.

(o) Activate the on-call Investigations detective to support the intelligence and investigative functions of the operation.

(p) Obtain a search warrant.

(q) 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.

(r) Determine the need for and notify the appropriate persons within and outside the Department, such as the Watch Commander, command level officers and the Press Information Officer.

(s) 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
CRU response if appropriate and apprising the CRU 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, MARTAC/SWAT, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting 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 or death or great bodily harm and that an interruption to communication services is necessary to protect public safety. The supervisor must ensure the Department obtains a court order, in accordance with Public Utilities Code section 7908, 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 (Public Utilities Code Section 7908).

(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 News 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 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 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 SAN DIEGO HARBOR POLICE DEPARTMENT FACILITY
If the bomb threat is against the 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 San Diego Harbor Police Department that is not the property of this department, the appropriate agency will
be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

**416.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility’s security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

**416.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the District of 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.
Response to Bomb Calls

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.
Response to Bomb Calls

(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
Response to Bomb Calls

- 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 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 not qualify for a 5150 detention, but the person desires to voluntarily be evaluated, they may transport the subject to 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.
(b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should evaluate for a 5150 detention, if appropriate.
(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

A subject who meets the criteria for 5150 detention / evaluation but is willing or "volunteers" to go for an evaluation is not considered a "voluntary" transport. If an officer contacts a subject who meets the criteria for a 5150 detention, the officer shall process the subject in the same manner as an involuntary 5150 detention / evaluation and complete all required reports, regardless of their willingness to go for an evaluation.
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 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 detention 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 detention 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
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only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

418.5 TRANSPORTATION
When transporting any individual for a 5150 evaluation, two officers will conduct the transport together.

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, Watch Commander 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).
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 5150 evaluation 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).
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/office] to regain custody of the individual, [department/office] 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 Investigative Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.
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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/Office] 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/Office] 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/office] 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 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.
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- 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, 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 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/Office]'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 persons 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 he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.3.1 FIELD CITATIONS
In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

420.3.2 RELEASE AFTER BOOKING
In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

420.4 NON-RELEASE
420.4.1 DISQUALIFYING OFFENSES
An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a)  Misdemeanor domestic battery (Penal Code § 243(e)(1))
(b)  Felony domestic battery (Penal Code § 273.5)
(c)  Serious or violent felonies (Penal Code § 1270.1(a)(1))
(d)  Felony intimidation of witnesses and victims (Penal Code § 136.1)
(e)  Rape of a spouse (Penal Code § 262)
(f)  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)
(g)  Stalking (Penal Code § 646.9)
(h)  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/Office] 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 he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
(b)  The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
   1.  The San Diego Harbor Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
(c)  The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
(d)  The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).
(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

(f) The person could not provide satisfactory evidence of personal identification.
   1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.

(g) 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.

(h) 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.

(i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(j) 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. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:
   (a) Previous failure to appear is on record
   (b) The person lacks ties to the area, such as a residence, job, or family
   (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

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 him/herself or others due to intoxication or being under the influence of drugs or narcotics.
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(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.

(g) The person has other ineligible charges pending against him/her.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this 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 Investigative Bureau 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 he/she 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 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 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:

(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:

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note (a))</td>
<td>Yes (note (d))</td>
<td>Yes</td>
<td>No for official acts. Testimony may not be compelled in any case</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise.</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise.</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Int'l Org Staff (note (b))</td>
<td>Yes (note (c))</td>
<td>Yes (note (c))</td>
<td>Yes</td>
<td>Yes (note (c))</td>
<td>No for official acts. Yes otherwise (note (c))</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>
### Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Role</th>
<th>No (note (b))</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
<th>No</th>
<th>Same as sponsor (full immunity &amp; inviolability)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic-Level Staff of Missions to Int’l Org</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Support Staff of Missions to Int’l Org</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>

**Notes for diplomatic immunity table:**

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.
Rapid Deployment Team Policy

424.1 PURPOSE AND SCOPE
Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY
The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.
(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.
(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
(c) Whether the officers have the ability to effectively communicate with others in the field.
(d) Whether planned tactics can be effectively deployed.
(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.
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/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
425.5 PROCEDURES

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 of two or more responders) and begin moving to confront the suspect(s). The first officer/deputy 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).
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.

Officers/deputies should be prepared to direct any number of fleeing persons to a safe zone that is away from the line of fire.

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.

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).

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).

SUPERVISOR AND WATCH COMMANDER RESPONSIBILITIES

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.

The Incident Commander should consider designating locations for evacuation points, temporary shelters, medical triage, press information staging, and areas of parent reunification.

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.

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 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
Reporting Police Activity Outside of Jurisdiction and Mutual Aid

426.1 PURPOSE AND SCOPE
This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the San Diego Harbor Police Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE DISTRICT
When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the officer shall notify Dispatch before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE DISTRICT
Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Unified Port of San Diego shall notify his or her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Watch Commander as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Captain.

426.2 MUTUAL AID
All formal requests for Mutual Aid will be handled per the Governor's Office of Emergency Services Law Enforcement Mutual Aid plan.
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
Immigration Violations

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).):
Immigration Violations

(a) Sending information to, or requesting or receiving such information from federal immigration officials.

(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
Immigration Violations

information as to whether the San Diego Harbor Police Department intends to comply with the request (Government Code § 7283.1).

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 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.

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 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:

- Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- 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.
- 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).
- 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.
- Inform the victim liaison of any requests and their status.
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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).

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/office] 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 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.
434.5 NOTIFICATIONS
When an aircraft accident is reported to this [department/office], 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/office] 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/office] 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.
Aircraft Accidents

(c) Fluids, batteries, flares and igniters.
(d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION
All aircraft accidents occurring within the District of 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
Aircraft Accidents

coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims’ names. The [PIO] should coordinate with other involved entities before the release of information.
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 San Diego Harbor Police Department.

It is the policy of this [department/office] 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.
Field Training Officer Program

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:

   (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
Field Training Officer Program

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator’s Course within one year of appointment to this position (11 CCR 1004(c)).

436.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the 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.

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 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 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.
Field Training Officer Program

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.

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.
Field Interviews & Photographing of Field Detainees

440.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

440.2 DEFINITIONS
Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person’s freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

440.3 FIELD INTERVIEWS
Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:
Field Interviews & Photographing of Field Detainees

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
(c) The hour of day or night is inappropriate for the suspect's presence in the area.
(d) The suspect's presence in the particular area is suspicious.
(e) The suspect is carrying a suspicious object.
(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
(g) The suspect is located in proximate time and place to an alleged crime.
(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW
An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the San Diego Harbor Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

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

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
Field Interviews & Photographing of Field Detainees

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

440.4 PAT-DOWN SEARCHES
A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
(b) Where more than one suspect must be handled by a single officer.
(c) The hour of the day and the location or neighborhood where the stop takes place.
(d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
(e) The appearance and demeanor of the suspect.
(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

440.5 FIELD PHOTOGRAPHS
Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT
Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should make a notation in the Field Interview (either on the FI card or electronic version) indicating the photo was taken voluntarily.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT
Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.
Field Interviews & Photographing of Field Detainees

If, prior to taking a photograph, the officer’s reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

440.6 SUPERVISOR RESPONSIBILITY
While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

440.7 DISPOSITION OF PHOTOGRAPHS
All CF cards containing detainee photographs must be adequately uploaded to NetRMS and associated with a Field Interview in the NetRMS system. Photos associated with an incident, arrest, or crime report, will be submitted as part of that report in compliance with reporting procedures by submitting the CF card to the records division for attaching to the report. If the photograph is from a source other than a Harbor Police sworn member, it should be impounded in compliance with established evidence procedures.

After reviewing the photograph(s) and related material, the patrol supervisor shall forward them to either Records or the Administrative Unit for further processing.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, a copy of the individual photograph should be retained as a part of the case file. All other photographs will be downloaded and kept in NetRMS.

440.7.1 PURGING THE FIELD PHOTO FILE
The Records Supervisor will be responsible for ensuring that photographs maintained by the Records Section that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the San Diego Harbor Police Department and the booking file remains in the Records Section.

440.8 PHOTO REVIEW POLICY
Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Harbor Police who will ensure that the status of the photograph or FI is properly reviewed.
according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

440.8.1 REVIEW PROCESS
Upon receipt of such a written request, the Chief of Harbor Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Harbor Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Harbor Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Harbor Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Harbor Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and San Diego Harbor Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Harbor Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Harbor Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or San Diego Harbor Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Harbor Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest F/I no longer exists or that the original F/I was not obtained in accordance with established law or San Diego Harbor Police Department policy, the original F/I may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Harbor Police or his/her designee determines that any involved San Diego Harbor Police Department personnel violated existing law or department policy, the Chief of Harbor Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.
Field Interviews & Photographing of Field Detainees

The person photographed/FI’d will be informed in writing within 30 days of the Chief of Harbor Police’s determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.
Criminal Organizations

442.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the 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 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/office] to collect and share relevant information while respecting the privacy and legal rights of the public.

442.3 CRIMINAL INTELLIGENCE SYSTEMS
No [department/office] 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/office] use.

Any criminal intelligence system approved for [department/office] 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/office] 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/office]-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/Office] 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:
Criminal Organizations

(a) Gang indicia associated with a person or residence.
(b) Information related to a drug-trafficking operation.
(c) Vandalism indicating an animus for a particular group.
(d) Information related to an illegal gambling operation.

[Department/Office] 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/Office] 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/office] 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 or Investigations Supervisor should identify and / or 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.
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
(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
Mobile Audio Video Procedure

446.1 PURPOSE AND SCOPE
The San Diego Harbor Police Department has equipped each marked patrol car with a Mobile Audio & Video (MAV) recording system. The MAV is designed to assist and compliment patrol officers in the performance of his/her duties. The MAV is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the officer’s report.

446.2 OFFICER RESPONSIBILITIES
Prior to going into service, each officer will check out the appropriate video media from the equipment room. At the end of shift each officer will return the video media to the equipment room according to the check-in procedures. Video media will be returned to the equipment room even if no activity was recorded.

Officers shall test the MAV system by recording his/her name, serial number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

446.3 ACTIVATION OF THE MAV
The MAV system is designed to turn on whenever the unit emergency lights are activated. The system remains on until turned off manually. The audio portion must be activated manually by each officer and is independent of the video; however when audio is being recorded the video will also record.

446.3.1 REQUIRED ACTIVATION OF MAV
This policy is not intended to describe every possible situation where the system may be used however here are many situations where the use of the MAV system is appropriate. In addition to the required situations, officers may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The activation of the MAV system is required in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:

1. Vehicular pursuits
2. Suspicious vehicles
3. Arrests
4. Pedestrian checks
5. DUI investigations including field sobriety tests
Mobile Audio Video Procedure

6. Consensual encounters

7. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify Dispatch

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any other circumstances where the officer believes that a recording of an incident would be appropriate

Once the MAV system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations.

446.3.2 WHEN ACTIVATION NOT REQUIRED
Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol. Absent legal cause or lawful order, no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties.

446.4 ACTIVATION OF THE MAV
Recordings may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of officer conduct

(b) By a department detective after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(c) By department personnel who request to review their own recordings

(d) By court personnel through proper process or with permission of the Chief of Harbor Police or his/her designee

(e) By media personnel with permission of the Chief of Harbor Police or his/her designee

(f) Recordings may be shown for the purposes of training value.

If an involved officer objects to the showing of recording, his/her objection will be submitted to staff to determine if the training value outweighs the officer's objection for not showing the recording.
Employees desiring to view any MAV recording shall submit a request in writing to the Watch Commander. In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

446.5 REVIEW OF MAV RECORDINGS
Any incident that was recorded with either the video or audio system shall be documented in the officer’s report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

446.6 DOCUMENTING MAV USE
Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed, or recycled (Government Code § 34090.6).

446.6.1 COPIES OF VIDEO RECORDINGS
Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 446.4.

Original video recording media may only be released in response to a valid court order or upon approval by the Chief of Harbor Police or his/her designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

446.6.2 MAV RECORDINGS AS EVIDENCE
Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event such as a homicide or as directed by the Watch Commander or a member of staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.
Mobile Digital Computer Use

448.1 PURPOSE AND SCOPE
The 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
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.
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.
Mobile Digital Computer Use

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 members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio/Video policies).

450.2 POLICY
The San Diego Harbor Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

This Policy will also apply to personally worn video cameras once a platform is adopted and issued by the department.

450.3 MEMBER PRIVACY EXPECTATION
All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES
Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever possible.

When using a portable recorder, the assigned member shall record his/her name, SDHP identification number and the current date and time at the beginning and the end of the shift.
or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user’s unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

450.4.1 SUPERVISOR RESPONSIBILITIES
Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

450.5 ACTIVATION OF THE PORTABLE RECORDER
This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations
(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
(c) Self-initiated activity in which a member would normally notify Dispatch
(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER
Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).
Portable Audio/Video Recorders

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Harbor Police or the authorized designee.

450.5.2 CESSATION OF RECORDING
Once activated, the portable recorder should remain on continuously until the member’s direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person’s attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

450.5.3 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

450.6 PROHIBITED USE OF PORTABLE RECORDERS
Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

450.7 REVIEW OF RECORDINGS
When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:
Portable Audio/Video Recorders

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Harbor Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

450.8 COORDINATOR
The Chief of Harbor Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data.

(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.
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 § 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 State Department of Health Services 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 § 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 eight 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).
452.2 POLICY
It is the policy of the 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 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. 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 reasonable 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 does not possess marijuana for personal medical purposes.

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.
4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
Medical Marijuana

(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, the climate, etc.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor or other member with special knowledge in this area and/or appropriate legal counsel. Licensing, zoning and other related issues can be complex. Patients, primary caregivers and cardholders who collectively or cooperatively cultivate marijuana for medical purposes are provided a defense under MMP (Health & Safety Code § 11362.775).

(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.
Medical Marijuana

(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

452.4 FEDERAL LAW ENFORCEMENT
Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.
Bicycle Patrol Unit

453.1 PURPOSE AND SCOPE
The 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
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).

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.
(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.
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
Marine Fire Fighting

report shall be completed following the guidelines detailed in Standard Operating Procedure 413.

(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 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.
Foot Pursuits

(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.
Foot Pursuits

(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.
Foot Pursuits

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.
Foot Pursuits

(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.

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.

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.

(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.
Emergency Vessel Operations

4. Any vessel approaching, overtaking, being approached, or being overtaken by a moving law enforcement vessel operating with a siren or an illuminated blue 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.
   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 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 OF ALPR DATA
All installation and maintenance of ALPR equipment shall be managed by the Administration Lieutenant. The Administration Lieutenant will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data. All ALPR data retention and access shall be managed by San Diego County/ARJIS.

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.

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.
Automated License Plate Readers (ALPRs)

As a participating agency in the San Diego County Regional ALPR program, all data collected from the 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).

461.5 ACCOUNTABILITY AND SAFEGUARDS
All saved data will be closely safeguarded and protected by both procedural and technological means. The 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.
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.
Vessel Accident Investigations

(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.
(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.
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.
(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 San Diego Harbor Police Department recognizes that members of the homeless community are often in need of special protection and services. The 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 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) An officer will 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.
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 Adult Abuse 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
Homeless Persons

supervisor should be consulted. The property should be photographed and measures should be
taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the
removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear
to be the property of homeless persons without the prior authorization of a supervisor or the
department Homeless Liaison Officer.

When 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
Liason 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.
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.
Vessel Pursuits and Stops

(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
Vessel Pursuits and Stops

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.
(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.

(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 (form UPD 655) 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.
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.

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.
Airport Security 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 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.
Airport Security Checkpoints

(f) Appropriate law enforcement action should be taken as each situation dictates.

(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 airline's 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
Airport Security Checkpoints

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

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
Airport Parking Enforcement

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.
Airport Parking Enforcement

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.
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.
Detection of Explosives at Airport Security Checkpoints

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.
Airport Alerts

482.6 ALERT 2
(a) Dispatch will broadcast the Alert 2 information on both frequencies
(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.

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.
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.

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.
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 JURISDICTION
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).
   4. Notify the SDPD Watch Commander's Office.
Aircraft Hijacking

5. Notify the FBI.

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.
Airport Weapons Violations

(c) Attach a photocopy of the illegal item to the report and impound the item at SDPD Headquarters property room.

(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:
Airport Weapons Violations

(a) Allow the person to return the item to their vehicle or take the item off the airport premises.

(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
Abandonment's are to be the rare exception not the rule. There are some rare 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 accepting the item.

(a) Any unlawful weapon in violation of former California Penal Code section 12020 or any other felony section 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 on the reverse side of the form 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.

(d) 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 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 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 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 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 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/office] 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.

Staff should consult with the permitting staff in the Port District's Waterfront Arts and Activation Department in the event of a pre-planned event of over 25 persons. Staff will ensure that the event follows the direction and limitations of the permit.

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 on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

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.
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(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

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 Mutual Aid and 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/office] policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants’ conduct reasonably appears to present the potential to
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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).

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/office] 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 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).

If a private person wishes to make an arrest for an offense not committed in the presence of an officer, the officer should determine whether there is reasonable cause to believe that a private person's arrest is lawful (Pursuant to Penal Code 837). If an arrest is determined to be lawful, the officer should apprise the private person of the proper procedures and follow Policy 364: Private Person's Arrests.

491.9 MEDIA RELATIONS
The Harbor Police Press Information Officer (PIO) or Watch Commander, in conjunction with the Port of San Diego Press Information Officer, should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the
event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

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/Office] 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/Office] should, when practicable, train with its external and mutual aid partners.
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 receive 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) Those 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
1. Naloxone Hydrochloride shall be available to sworn personnel in the department issued rapid deployment “go” bags.
2. 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.
3. 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.
Naloxone ("Narcan") Specific Policy

4. 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.

(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 Pelican case provided.

(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 the rapid response bag had been opened and the medication has been removed, 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/office] 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 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/office] 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:
Traffic Function and Responsibility

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.

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/Office] has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of [department/office] 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).
Traffic Function and Responsibility

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE
Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be 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
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 San Diego Harbor Police Department. Nothing in this policy shall require the [Department/Office] 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/office] 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).
Vehicle Towing and Release

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/Office] 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/Office] 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.
Vehicle Towing and Release

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/Office] 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/Office] 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).
Vehicle Towing and Release

(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.
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
Vehicle Towing and Release

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.
Vehicle Towing and Release

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 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...
Vehicle Impound Hearings

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/office] members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY
The 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).
Impaired Driving

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 his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she 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 he/she 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.
Impaired Driving

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 he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she 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.

Blood samples will generally be impounded at SDPD Room 138.

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 his/her 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, he/she 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 his/her 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 his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).
514.5 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 accident.
(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 him/herself or damage property unless immediately arrested.
(e) The person may destroy or conceal evidence of a crime unless immediately arrested.
514.7.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver’s license to the Department of Motor Vehicles (DMV).

(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.
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.

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).

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 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.
(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 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 any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS
Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 AUDIO/VIDEO RECORDINGS
Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigative Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.6 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.
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(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations and 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.

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 Investigation 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. 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 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.
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)).
Sexual Assault Investigations

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).
Sexual Assault Investigations

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 Investigative Bureau supervisor.

Classification of a rape case as unfounded requires the Investigative Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.
Sexual Assault Investigations

602.4.8 AUDITING CASE DISPOSITIONS
The Investigative Bureau 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 Investigative Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 TRAINING
Subject to available resources, periodic training will be provided to:

(a) Members who are first responders. 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 San Diego Harbor Police Department seizes property for forfeiture or when the 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/office] 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/Office] and the assigned attorney.

**Property subject to forfeiture** - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Health and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.

2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.

3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.

4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.

5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
Asset Forfeiture

(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 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 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/office]-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/Office] and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for [department/office] 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/Office] Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.

9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(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/office]'s regular inventory is in accordance with all applicable laws and consistent with the [department/office]'s use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and [department/office] 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 (Health and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health 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/Office] 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 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 § 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 San Diego Harbor Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the 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
Informants

(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, Investigations 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 Investigation 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 Investigation 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.
Informants

(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.

(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 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/office] 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.
Informants

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians
(b) The juvenile’s attorney, if any
(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)
(d) The Chief of 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 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.
Informants

1. Officers may meet informants alone in an occupied public place, such as a restaurant.
   (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
   (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
   (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

608.7.1 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/Office] 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/office] 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/office] members or the reliability of the informant.
Informants

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.

The Investigation 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
Informants

- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Investigation 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) 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
Informants

documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

608.9.3 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 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 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 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 protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.
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 <STRONG>DEFINITIONS</STRONG>
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
Unmanned Aerial System (UAS) Operations

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.
- 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.
- 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 <STRONG>UAST FLIGHT CREW</STRONG>

1. Pilot

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.

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 <STRONG>DEPLOYMENT PRIORITIES</STRONG>
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 <STRONG>UAV MUTUAL AID</STRONG>
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 <STRONG>UAS TRAINING</STRONG>
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
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 form 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 <STRONG>PRE-FLIGHT AND FLIGHT</STRONG>
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 <STRONG>POST FLIGHT</STRONG>
A thorough inspection of the aircraft for damage shall be conducted.
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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 <STRONG>MAINTENANCE</STRONG>

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.

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 <STRONG>WEATHER</STRONG>

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 <STRONG>NIGHT TIME/ LIMITED VISIBILITY OPERATIONS</STRONG>

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 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.

614.6 WARRANTY 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
Warrant Service

designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

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
Warrant Service

- 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 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 San Diego Harbor Police Department are utilized appropriately. Any concerns regarding the requested use 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 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 San Diego Harbor Police Department when assisting outside agencies or serving a warrant outside 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.
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.
Department Owned and Personal Property

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.

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.
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 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.
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 USE WHILE DRIVING
The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call.

Employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to business related calls or calls of an urgent nature.

702.2.4 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
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
Vehicle Maintenance

• 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.
Vehicle Maintenance

(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 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.
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.
(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 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.
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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 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

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:
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:

(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/warrantees/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.

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.
Fire Fighting Personal Protective Equipment

(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 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.

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.

(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/manufacturer 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/manufacturer 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.
Fire Fighting Personal Protective Equipment

- If the item has been exposed to a confirmed CBRN substance.
- 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 firefighting 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.

(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.

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.

e. MUTUAL AID REQUESTS
Mobile Command Center

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 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 Officer's 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.
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
Mobile Command Center

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 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.

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.
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/Office] in the course of its normal daily activities and during emergencies.

800.2 POLICY
It is the policy of the San Diego Harbor Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The [Department/Office] provides two-way radio capability providing continuous communication between Dispatch and [department/office] 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/office] 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:
Dispatch

- 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
- 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.
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/office] 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/office] members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Dispatch, [department/office] 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:
Dispatch

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

800.8 CALL HANDLING
This [Department/Office] 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/office] members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when [department/office] members are unavailable for dispatch.

800.9 RADIO COMMUNICATIONS
The police radio system is for official use only, to be used by dispatchers to communicate with [department/office] 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
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/office] 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/office] 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/office] member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the [department/office] 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.
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 it's unauthorized release.
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 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 most current San Diego Police Department evidence and property handling procedures.

802.3.2 EXPLOSIVES
Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe will be transported to the Fire Department.

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor and/or Watch Commander. The Metro Arson Strike Team (MAST) will be called to
handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

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 returned to the Department of Motor Vehicles. A found property report documenting the circumstances and disposition of the license plate shall be completed.

(c) 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.

802.4 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 San Diego Harbor Police Department Records Section. The policy addresses [department/office] 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 San Diego Harbor Police Department to maintain [department/office] records securely, professionally, and efficiently.

804.3 DETERMINATION OF FACTUAL INNOCENCE
In any case where a person has been arrested by officers of the San Diego Harbor Police Department and no accusatory pleading has been filed, the person arrested may petition the [Department/Office] 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 Investigative Bureau 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 Investigative Bureau 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/Office]’s decision within 45 days of receipt. Responses should include only the decision of the [Department/Office], not an explanation of the analysis leading to the decision.
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/office] 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/office] 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/Office] 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 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/oblitered 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.
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/office] records. Protected information is separately covered in the Protected Information Policy.

808.2 POLICY
The 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 § 6250 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/Office], including the retention, archiving, release, and destruction of [department/office] public records.

(b) Maintaining and updating the [department/office] records retention schedule including:
   1. Identifying the minimum length of time the [Department/Office] must keep records.
   2. Identifying the [department/office] division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of [department/office] public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the [department/office]’s website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that public records posted on the [Department/Office] website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(i) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the [Department/Office]’s website.
808.4 PROCESSING REQUESTS FOR PUBLIC RECORDS
Any [department/office] 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/office], during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The [Department/Office] 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/office] records or information. If identification is required, a current driver’s license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the [Department/Office] 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 § 6253.1).

2. If the record requested is available on the [department/office] 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/Office]. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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/office]-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 (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

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/office] record, including traffic collision reports, are restricted except as authorized by the [Department/Office], and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of 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 to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, 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 § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, 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 § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this [department/office] (Government Code § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the [department/office]’s electronic technology systems (Government Code § 6254.19).
Records Maintenance and Release

(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 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/Office] 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/office] name and to whom the record was released.

Each audio/video recording released should include the [department/office] name and to whom the record was released.

808.8 SEALED RECORD ORDERS
Sealed record orders received by the [Department/Office] shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police
investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

**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/Office] 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/Office] determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual’s first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number or California identification card number
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual’s financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology

**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 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 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/Office] 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 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.
3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the [Department/Office] does not have sufficient contact information. Substitute notice shall consist of all of the following:
   (a) Email notice when the [Department/Office] has an email address for the subject person.
   (b) Conspicuous posting of the notice on the [department/office]'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/Office] to notify more than 500 California residents, the [Department/Office] shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.
810.1 PURPOSE & SCOPE
This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

810.2 AUTHORITY
This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

810.3 DEFINITIONS
Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any SDHP documents containing a list of prior arrests.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

810.4 AUTHORIZED RECIPIENTS OF CORI
CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

810.4.1 CRIMINAL RECORD SECURITY OFFICER
The Records Supervisor is the designated Criminal Record Security Officer for the San Diego Harbor Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.
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) Criminal Records Security Officer
(b) Records Supervisor
(c) Full-time employees of the Records Section
(d) Personnel specifically designated in writing by Captains with the concurrence of the Criminal Records Security Officer

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.

810.5 JUVENILE RECORDS
Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

810.6 REVIEW OF CRIMINAL OFFENDER RECORD
Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

810.7 PROTECTION OF CORI
CORI shall be stored in the Records Section where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Records Section shall be restricted to the Records Section personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms
outside the Records Section shall be restricted to those persons who possess both the right to know and the need to know the information.

810.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section, Dispatch and in the Investigative Bureau to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

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.

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.
Criminal Offender Record Information (CORI)

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).
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
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.
Computers and Digital Evidence

(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.
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.
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 San Diego Harbor Police Department facility. Such items can pose a serious risk to the safety and security of [department/office] 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 his/her 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 or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her 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 his/her 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 his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any [department/office] 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 San Diego Harbor Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

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/office, 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/office member. The inventory should include the case number, date, time, member's 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/office member sealing it should place his/her 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 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:
Custodial Searches

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on [department/office] 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 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.
Custodial Searches

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.
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 his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies 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 his/her 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).

(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/office] 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/office] 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):
Custodial Searches

(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 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 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/Office] does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The [Department/Office] 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/office] website and the use of [department/office]-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/Office] should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.
1000.4 SELECTION PROCESS
The [Department/Office] shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the [Department/Office] 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/Office] 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  
(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/Office] (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
Recruitment and Selection

- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 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 access 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
Evaluation of Employees

Immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and 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.

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
Evaluation of Employees

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.

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

1003.1 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.

1003.1.1 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.

1003.2 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.

1003.2.1 DURATION OF SPECIAL ASSIGNMENTS

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Length</th>
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<tbody>
<tr>
<td>NTF Unit-SDIA</td>
<td>4 years</td>
</tr>
<tr>
<td>Canine Handlers¹</td>
<td>4 years</td>
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<tr>
<td>Bay Control</td>
<td>4 years</td>
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<tr>
<td>MTF Unit-ICE</td>
<td>4 years</td>
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<tr>
<td>Profession Standards Unit²</td>
<td>4 years</td>
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<tr>
<td>Investigations</td>
<td>4 years</td>
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<tr>
<td>Training</td>
<td>4 years</td>
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<tr>
<td>Regional Academy Training Officer</td>
<td>3 Academy Classes</td>
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<tr>
<td>DHS</td>
<td>4 years</td>
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<tr>
<td>JTTF</td>
<td>4 years</td>
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</tbody>
</table>
Special Assignment Selections

(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.

1003.2.2 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.

1003.2.3 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.

1003.3 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.

1003.3.1 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
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.

1003.4 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.

1003.5 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.

1003.6 SELECTION BOARD COMPOSTION 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.
Special Assignment Selections

- 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.

1003.7 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.

1003.8 REMOVAL FROM SPECIAL ASSIGNMENT
Officers in special assignments may be removed from their assignment at anytime if:
Special Assignment Selections

(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.

1003.9 POLICY
The 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

1008.1 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/Office] 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/office] (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/office] or any former peace officer if this [department/office] was responsible for the investigation (11 CCR 1003).

1008.2 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.

1008.3 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 contendre 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/office] may be inherently in conflict with law enforcement duties and the public trust.
Reporting of Employee Convictions

1008.4 REPORTING PROCEDURE
All members of this [department/office] and all retired officers with an identification card issued by the [Department/Office] 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/Office] 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.

1008.5 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/Office] 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

1010.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1010.2 POLICY
It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1010.3 GENERAL GUIDELINES
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1010.3.1 USE OF MEDICATIONS
Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1010.4 MEMBER RESPONSIBILITIES
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.
Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1010.5 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.

1010.5.1 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.

1010.6 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.

1010.7 REQUESTING SCREENING TESTS
The supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
Drug- and Alcohol-Free Workplace

(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.

1010.8 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).

1010.9 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.
Sick Leave

1012.1 PURPOSE AND SCOPE
Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available and terms of use are detailed in the employee’s respective 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), the California Family Rights Act or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 1510).

1012.2 EMPLOYEE RESPONSIBILITIES
Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee’s immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1012.2.1 NOTIFICATION
Employees must notify the on-duty supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1012.3 EXTENDED ILLNESS
Employees on extended absences shall contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. If the employee is unable to personally make the notification then a representative should. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.
Sick Leave

Nothing in this section precludes a supervisor, with cause, from requiring a physician’s note excusing an absence if three or fewer sick days are taken.

1012.4 SUPERVISOR RESPONSIBILITY
Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee’s performance evaluation when it has negatively affected the employee’s performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.
Communicable Diseases

1014.1 PURPOSE AND SCOPE
This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1014.1.1 DEFINITIONS
Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the San Diego Harbor Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1014.2 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).

1014.2.1 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.

1014.2.2 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.
(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).

1014.2.3 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.

1014.2.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.
1014.2.5 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.

1014.3 POLICY
The 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.

1014.4 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.

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 (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1014.5 EXPOSURE PREVENTION AND MITIGATION

1014.5.1 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.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1014.5.2 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).

1014.6 POST EXPOSURE

1014.6.1 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.

1014.6.2 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. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1014.6.3 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:
Communicable Diseases

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1014.6.4 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).

1014.6.5 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).

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.
Communicable Diseases

1014.7 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.

1014.8 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

1016.1 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 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.

1016.2 POLICY
The 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

1018.1 PURPOSE AND SCOPE
This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of employees of the 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 an employee in the normal course of duty, by a supervisor, nor shall this policy apply to a criminal investigation.

1018.1.1 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
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.

### 1018.2 POLICY

The San Diego Harbor Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its employees.

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 may report misconduct without concern for reprisal or retaliation.

### 1018.3 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.

Inquiries about conduct or performance that, if true, would violate department policy or federal, state or local law, policy or rule but the citizen does not want to pursue a formal complaint must still be documented on the citizen complaint form and the Inquiry box checked.
1018.3.1 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

**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.

1018.3.2 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 employee 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.

1018.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1018.4.1 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 upon request.

1018.4.2 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.
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
Personnel Complaints

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.

1018.4.3 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.

1018.4.4 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
(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.

1018.4.5 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.

1018.4.6 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.

1018.4.7 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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1018.4.8 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 submitted verbally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee 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. If requested, a complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

1018.5 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 will be kept by the PSU Lieutenant and 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.

1018.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows:

1018.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee'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.

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 employee, 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
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at issue, a supervisor shall verbally report the matter to the employee’s Captain or the Chief of Harbor Police, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
   1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
   2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and 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.

1018.6.2 ADMINISTRATIVE INVESTIGATION FORMAT
Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

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.
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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 separately tab and label the case evidence (e.g., recordings, photos, documents).

1018.6.3 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 employees. Complaints that are determined to be frivolous will fall within the classification of unfounded.

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 - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the Investigator shall notify the PSU Lieutenant and take appropriate action with regard to any additional allegations.

1018.6.4 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).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

The assigned investigator or supervisor shall ensure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)).
1018.7 CRIMINAL INVESTIGATION
Where an employee 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 an employee is accused of criminal conduct. The Chief of Harbor Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The employee should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The 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.

1018.8 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.

1018.9 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.
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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.

1018.10 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.

1018.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE
In the event that an employee 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.

1018.12 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.
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In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

**1018.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will employees, probationary employees, volunteer members and 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 Peace Officer Bill of Rights (Government Code § 3303; Government Code § 3304). At-will employees, probationary employees, volunteer members 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.

**1018.14 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 Files Policy.
Seat Belts

1020.1 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).

1020.1.1 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.

1020.2 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.

1020.3 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.

1020.4 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.

1020.5 POLICY
It is the policy of the 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.
1020.6 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).

1020.7 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.

1020.8 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

1022.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1022.2 POLICY
It is the policy of the 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.

1022.2.1 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.

1022.3 ISSUANCE OF BODY ARMOR
The Training Sergeant shall ensure that body armor is issued to all officers when the officer begins service at the 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.
Body Armor

1022.3.1 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.

1022.3.2 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.

1022.4 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.
Personnel Files

1024.1 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.

1024.2 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.

1024.3 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.
1024.4 CONFIDENTIALITY OF ALL PERSONNEL FILES
Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. 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.

1024.5 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.

1024.5.1 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)).
Personnel Files

1024.6 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 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

1024.7 TYPES OF PERSONNEL FILES
Peace officer personnel files can be located in any of the following places:

1024.7.1 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).

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.

1024.7.2 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.

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.

1024.7.3 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)).

1024.7.4 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.
Personnel Files

(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.

1024.7.5 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:

(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.

1024.8 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

1026.1 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.

1026.2 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.

1026.2.1 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.

1026.3 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

1028.1 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.

1028.2 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.

1028.3 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:
Commendations and Awards

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 employee's 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
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.

1028.4 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
Commendations and Awards

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.

1028.5 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 warded 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.
Commendations and Awards

4. The employee did not willfully violate department policy or procedures while performing the act.

(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 Maneuver, emergency childbirth, giving lifesaving instructions over the phone, accident rescues, etc...
3. The victim(s) must survive.
Commendations and Awards

(g) **Police Chief's Medal** - Awarded to recognize a significant arrest or investigation, which greatly contributed to the safety of the public.

   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.
1028.6 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 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 followind 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.

1028.7 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)
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1. Neck Ribbon/Bar-Purple (XPS0001-09)

(f) Life Saving Medal (C-122638)
   1. Neck Ribbon-Red (XPS001-45)
   2. Bar - Blue/Red/White

(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: Greeen/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)

1028.8 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.

1028.8.1 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

1031.1 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).

1031.2 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.

1031.3 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.
Fitness for Duty

1031.4 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.

1031.5 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.

1031.6 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.
Fitness for Duty

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1031.7 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.

1031.8 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

1033.1 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.

1033.1.1 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.

1033.1.2 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

1034.1 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).

1034.2 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).

1034.3 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.

1034.4 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.
Lactation Break Policy

1034.5 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

1035.1 PURPOSE AND SCOPE
This policy provides the guidelines for completing and submitting payroll records of [department/office] members who are eligible for the payment of wages.

1035.1.1 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.

1035.2 POLICY
The San Diego Harbor Police Department maintains timely and accurate payroll records.

1035.3 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.

1035.4 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

1037.1 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.

1037.1.1 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.

1037.2 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.

1037.2.1 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.

1037.2.2 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.
Overtime Compensation Requests

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.

1037.3 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.

1037.3.1 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:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 15 minutes</td>
<td>.25</td>
</tr>
<tr>
<td>16 to 30 minutes</td>
<td>.50</td>
</tr>
<tr>
<td>31 to 45 minutes</td>
<td>.75</td>
</tr>
<tr>
<td>46 to 60 minutes</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

1037.3.2 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

1039.1 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.

1039.1.1 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.

1039.2 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)).

1039.2.1 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.

1039.2.2 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
Outside Employment

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

1039.3 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

1039.3.1 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.
Outside Employment

(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.

1039.3.2 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.

1039.3.3 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.

1039.4 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.

1039.4.1 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.
Outside Employment

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.

1039.5 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.

1039.6 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.
Outside Employment

When the disabled member returns to full duty with the 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

1041.1 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.

1041.1.1 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.).

1041.2 POLICY
The 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.).

1041.3 RESPONSIBILITIES

1041.3.1 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).

1041.3.2 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.

1041.3.3 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.
1041.4 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 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.

1041.5 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.

1041.5.1 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

1043.1 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.

1043.2 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.

1043.2.1 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.

1043.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the level of the lower lip.

1043.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the earlobe and shall be trimmed and neat.

1043.2.4 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.

1043.2.5 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.

1043.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.
Personal Appearance Standards

Post-style earrings only shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Harbor Police or his/her designee. No more than two earrings may be worn in the lobe of the employee's ear.

1043.3 TATTOOS
At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

1043.4 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.

1043.5 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

1045.1 PURPOSE AND SCOPE
The uniform policy of the 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 manual is maintained and periodically updated by the Chief of Harbor Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The 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.

1045.2 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.
**Uniform Regulations**

(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

1045.2.1 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.

1045.3 UNIFORM CLASSES
Please see attached addendum to see uniform specifics and model numbers.

See attachment: HPD Memo uniforms.pdf

1045.3.1 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 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.
Uniform Regulations

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.

1045.3.2 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: "San Diego Harbor" in yellow and "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.

(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
Uniform Regulations

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.


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.


11. Pepper spray holder.

12. AR-15 Mag pouch clip (Mag pouch worn only during incident).


(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 for class "C" use and the metal badge for class "B" use. The vest 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 the 5.11 Tactical Performance Polo. The shirt shall be short-sleeve or long sleeve and dark navy in color. 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.

1045.3.3 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.

(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 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.
Uniform Regulations

(f) Jacket (Optional): Officers Jackets: May wear any of the current listed jackets on the authorized uniform list.

(g) Sworn staff who choose to wear the department authorized load bearing vest are authorized to wear the 5.11 Tactical Performance Polo. The shirt shall be short-sleeve or long sleeve and dark navy in color. 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).

1045.3.4 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: 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. Shirt: will be types listed on the authorized uniform list, and shall have a sew-on Harbor Police badge and the officer's name embroidered in 1/2" black letters above the right breast pocket (on the shirt, not on name tape).

2. Shorts: will be types listed on the authorized uniform list. Officers assigned to bike patrol may wear padded bike shorts underneath. The cycle shorts will not be visible to the public.

3. Trousers: Same as Class "C" uniform in black.

4. Helmet: Black, bicycle helmet with "POLICE" lettering 1" high on both sides.

5. 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 polo-style shirt 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.

1045.3.5 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.

1045.3.6 T-SHIRTS
All officers will wear plain white, or black crew-neck style T-shirts under uniform shirts.

1045.3.7 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.

1045.3.8 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, may only be worn by officers assigned to vessel patrol.

(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.

1045.3.9 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.
Uniform Regulations

1045.4 INsignia AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(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 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

1045.4.1 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:
Uniform Regulations

(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.

1045.4.2 DUTY SUSPENDERS
All officers are approved to wear the Spec-Ops Combat Suspenders with the class A, B and C uniform.

1045.5 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 San Diego Harbor Police Department or the morale of the employees.
1045.5.1 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.
   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 (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.
1045.5.2 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.

(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.

1045.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS
Unless specifically authorized by the Chief of Harbor Police, 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 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.
Uniform Regulations

(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.

1045.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1045.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

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.

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

1049.1 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.

1049.1.1 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.

1049.2 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.
Nepotism and Conflicting Relationships

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.

1049.2.1 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.
Nepotism and Conflicting Relationships

1049.2.2 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

1051.1 PURPOSE AND SCOPE
The San Diego Harbor Police Department badge and uniform patch as well as the likeness of these items and the name of the San Diego Harbor Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1051.2 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.

1051.2.1 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.

1051.2.2 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.

1051.2.3 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.
1051.3  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.

1051.4  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 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

1052.1 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.

1052.2 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.

1052.3 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.

1052.4 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.
Temporary Modified Work Assignments

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, 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
Temporary Modified Work Assignments

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 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.

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 - NON-INDUSTRIAL TEMPORARY DISABILITY
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.(see Port District Rule 10.12)

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 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 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:

- 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 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 San Diego Harbor Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the 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 transports 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 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 San Diego
Employee Speech, Expression and Social Networking

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.

(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 San Diego Harbor Police Department or identify themselves in any way that could be reasonably perceived as representing the 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 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.
Employee Speech, Expression and Social Networking

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

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, the District's Ethics Hotline, 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 employees’ 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, or those who associate with any 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 who engages in retaliation against any District employee in violation of this Policy may be subject to disciplinary action up to and including termination.

1058.3 RETALIATION PROHIBITED
No employee 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.
- Unjustified extending of the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
• Taking unwarranted disciplinary action.
• Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
• Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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 of 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. However, 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.
(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.
Anti-Retaliation

(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.

(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
Anti-Retaliation

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 employees 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 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 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/Office] 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/Office] 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/Office] to meet relevant standards.
(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/office] 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.
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(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.

(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.

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.
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/Office] 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/stretches 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.
Attachments
weapons violations changed_172569.pdf
<table>
<thead>
<tr>
<th>Old PC</th>
<th>New Crime PC</th>
<th>Definitions</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>653K, repealed</td>
<td>21510(a)</td>
<td>17235</td>
<td>Possession of a switchblade knife in a passenger’s or driver’s area of a vehicle in public place or open to the public</td>
</tr>
<tr>
<td>653K, repealed</td>
<td>21510(b)</td>
<td>17235</td>
<td>Carries a switchblade knife upon their person</td>
</tr>
<tr>
<td>653K, repealed</td>
<td>21510(c)</td>
<td>17235</td>
<td>Sells, offers for sale, exposes for sale, loans, transfers, or gives the switchblade knife to another person</td>
</tr>
<tr>
<td>12001.1(a)</td>
<td>20810(a)</td>
<td>17290</td>
<td>Undetectable knife</td>
</tr>
<tr>
<td>12001.5</td>
<td>33210</td>
<td>16530/16640</td>
<td>Short barreled shotgun/rifle - handgun and firearms</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>20310</td>
<td>16140</td>
<td>Air gauge knife</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>21110</td>
<td>16220</td>
<td>Ballistic knife</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>20410</td>
<td>16260</td>
<td>Belt buckle knife</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>22210</td>
<td>16760</td>
<td>Leaded cane, billy, blackjack, slungshot, sandclub, sap, sandbag</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>30210(a)</td>
<td>16570</td>
<td>Flechette dart</td>
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<tr>
<td>12020(a)(1)</td>
<td>30210(b)</td>
<td>16570</td>
<td>Bullet with explosive agent</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>24310</td>
<td>16320</td>
<td>Camouflaging firearm container</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>24410</td>
<td>16330</td>
<td>Cane gun</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>20510</td>
<td>16340</td>
<td>Cane sword</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>24510</td>
<td>16340</td>
<td>Firearm not immediately recognizable as a firearm</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>20610</td>
<td>16830</td>
<td>Lipstick case knife</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>21810</td>
<td>16920</td>
<td>Metal knuckles</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>19200(a)</td>
<td>16930</td>
<td>Metal military practice/metal replica hand grenade</td>
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<tr>
<td>12020(a)(1)</td>
<td>32900</td>
<td>16930</td>
<td>Multiburst trigger activator</td>
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<tr>
<td>12020(a)(1)</td>
<td>22010</td>
<td>16940</td>
<td>Nunchaku</td>
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<tr>
<td>12020(a)(1)</td>
<td>20710</td>
<td>17160</td>
<td>Shobi-zue</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>33215</td>
<td>17170</td>
<td>Short-barreled rifle, short-barreled shotgun</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>22410</td>
<td>17200</td>
<td>Shuriken</td>
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<td>12020(a)(1)</td>
<td>31500</td>
<td>27170</td>
<td>Unconventional pistol</td>
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<tr>
<td>12020(a)(1)</td>
<td>24610</td>
<td>17280</td>
<td>Undetectable firearm</td>
</tr>
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<td>12020(a)(1)</td>
<td>24710</td>
<td>17330</td>
<td>Wallet gun</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>20910</td>
<td>17350</td>
<td>Writing pen knife</td>
</tr>
<tr>
<td>12020(a)(1)</td>
<td>33600</td>
<td>17360</td>
<td>Zip gun</td>
</tr>
<tr>
<td>12020(a)(2)</td>
<td>32310</td>
<td>16740</td>
<td>Large capacity magazine</td>
</tr>
<tr>
<td>12020(a)(3)</td>
<td>19100</td>
<td>16510</td>
<td>Explosive substance</td>
</tr>
<tr>
<td>12020(a)(4)</td>
<td>21310</td>
<td>16470</td>
<td>Dirk/dagger</td>
</tr>
<tr>
<td>12020(a)(4)</td>
<td>19200(b)</td>
<td>16470</td>
<td>Replica hand grenade by criminal street gang</td>
</tr>
<tr>
<td>12020.1</td>
<td>21710</td>
<td>16405/16680</td>
<td>Composite knuckles or hard wooden knuckles</td>
</tr>
<tr>
<td>Old PC</td>
<td>New Crime PC</td>
<td>Definitions</td>
<td>Description</td>
</tr>
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</tr>
<tr>
<td>12020.5</td>
<td>17505</td>
<td>Unlawful advertisement and sale of a firearm</td>
<td></td>
</tr>
<tr>
<td>12021(a)(1)</td>
<td>29800(a)(1)</td>
<td>Ex-felon with a firearm</td>
<td></td>
</tr>
<tr>
<td>12021(b)</td>
<td>29800(b)</td>
<td>Ex-felon of violent crimes owns, or possess firearm</td>
<td></td>
</tr>
<tr>
<td>12021(c)(1)</td>
<td>29805</td>
<td>Convicted of certain misd. Within 10 years - owns/possesses/receives/purchases a firearm</td>
<td></td>
</tr>
<tr>
<td>12021(d)(1)</td>
<td>29815(a)</td>
<td>Condition of probation - owns, possess, controls, receives or purchases a firearm</td>
<td></td>
</tr>
<tr>
<td>12021(e)</td>
<td>29820(b)</td>
<td>Cannot own or possess firearm until age 30 if meets requirements</td>
<td></td>
</tr>
<tr>
<td>12021(g)(1)</td>
<td>29825(a)</td>
<td>Violation of TRO/PO, purchases or receives a firearm</td>
<td></td>
</tr>
<tr>
<td>12021(g)(2)</td>
<td>29825(b)</td>
<td>Owns or possess a firearm when subject of a restraining order</td>
<td></td>
</tr>
<tr>
<td>12021.1(a)</td>
<td>29900(a)(1)</td>
<td>Felony possession of a firearm, prior conviction</td>
<td></td>
</tr>
<tr>
<td>12021.1(c)</td>
<td>29900(b)(1)</td>
<td>Felony possession of a firearm, prior adult conviction for juvie</td>
<td></td>
</tr>
<tr>
<td>12024</td>
<td>17500</td>
<td>Possession of a deadly weapon with intent to assault</td>
<td></td>
</tr>
<tr>
<td>12025(a)(1)</td>
<td>25400(a)(1)</td>
<td>Carry a concealed firearm - vehicle driver</td>
<td></td>
</tr>
<tr>
<td>12025(a)(2)</td>
<td>25400(a)(2)</td>
<td>Carry a concealed firearm - upon a person</td>
<td></td>
</tr>
<tr>
<td>12025(a)(3)</td>
<td>25400(a)(3)</td>
<td>Carry a concealed firearm - vehicle occupants</td>
<td></td>
</tr>
<tr>
<td>12028.5(b)</td>
<td>18250</td>
<td>Domestic violence - take custody of firearm</td>
<td></td>
</tr>
<tr>
<td>12031(a)(1)</td>
<td>25850(a)</td>
<td>Loaded firearm in public (person or vehicle)</td>
<td></td>
</tr>
<tr>
<td>12034(a)</td>
<td>26100(a)</td>
<td>Driver/owner permit another person to bring or carry a firearm in vehicle</td>
<td></td>
</tr>
<tr>
<td>12034(b)</td>
<td>26100(b)</td>
<td>Driver/owner allows someone to discharge a firearm from the vehicle</td>
<td></td>
</tr>
<tr>
<td>12034(c)</td>
<td>26100(c)</td>
<td>Driver/owner allows someone to discharge a firearm at a person who is not an occupant of the vehicle</td>
<td></td>
</tr>
<tr>
<td>12035(b)(1)</td>
<td>25100(a)</td>
<td>Criminal storage of a firearm of the 1st degree</td>
<td></td>
</tr>
<tr>
<td>12035(b)(2)</td>
<td>25100(b)</td>
<td>Criminal storage of a firearm of the 2nd degree</td>
<td></td>
</tr>
<tr>
<td>12036(b)</td>
<td>25200(a)</td>
<td>Child carries firearm off premises</td>
<td></td>
</tr>
<tr>
<td>12036(c)</td>
<td>25200(b)</td>
<td>Child carries firearm off premises to school</td>
<td></td>
</tr>
<tr>
<td>12040(a)</td>
<td>25300(a)</td>
<td>Criminal possession of a firearm while masked</td>
<td></td>
</tr>
<tr>
<td>12051(b)</td>
<td>26180(a)</td>
<td>CCW - false statement on an application - misd.</td>
<td></td>
</tr>
<tr>
<td>12051(c)</td>
<td>26180(b)</td>
<td>CCW - false statement on an application - felony</td>
<td></td>
</tr>
<tr>
<td>12061(a)(3)</td>
<td>30352(a)</td>
<td>Vendor not sell or transfer ownership of handgun ammunition without required info</td>
<td></td>
</tr>
<tr>
<td>12061(a)(4)</td>
<td>30355</td>
<td>Vendor's handgun ammunition records must remain on premises for 5 years</td>
<td></td>
</tr>
<tr>
<td>12061(a)(6)</td>
<td>30360</td>
<td>Vendor makes false entry or fails to make required entry or obtain thumprint for handgun ammo</td>
<td></td>
</tr>
<tr>
<td>12070(a)</td>
<td>26500(a)</td>
<td>Sell, lease, transfer firearms without license</td>
<td></td>
</tr>
<tr>
<td>12071.1(e)(1)</td>
<td>27245(a)</td>
<td>Failure to comply by a gun show producer</td>
<td></td>
</tr>
<tr>
<td>12071.1(e)(2)</td>
<td>27245(b)</td>
<td>Failure to post signs by a gun show producer</td>
<td></td>
</tr>
<tr>
<td>12071.4(b)</td>
<td>27305(a)</td>
<td>Gun show/event vendor certify in writing to producer - person's complete name</td>
<td></td>
</tr>
<tr>
<td>Old PC</td>
<td>New Crime PC</td>
<td>Definitions</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
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<td>-------------</td>
</tr>
<tr>
<td>12071.4(b)</td>
<td>27305(b)</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>12071.4(b)</td>
<td>27305(c)</td>
<td>Gun show/event vendor certify in writing to producer - Not engage in activities that incite or encourage hate crimes</td>
<td></td>
</tr>
<tr>
<td>12071.4(b)</td>
<td>27305(d)</td>
<td>Gun show/event vendor certify in writing to producer - process all transfers of firearms through licensed firearms dealers</td>
<td></td>
</tr>
<tr>
<td>12071.4(b)</td>
<td>27305(e)</td>
<td>Gun show/event vendor certify in writing to producer - firearms unloaded at show/event and secured except for demos</td>
<td></td>
</tr>
<tr>
<td>12071.4(b)</td>
<td>27305(f)</td>
<td>Gun show/event vendor certify in writing to producer - complied with requirements of 27320</td>
<td></td>
</tr>
<tr>
<td>12071.4(b)</td>
<td>27305(g)</td>
<td>Gun show-event vendor certify in writing to producer - not display or possess black powder or offer it for sale</td>
<td></td>
</tr>
<tr>
<td>12071.4(c)</td>
<td>27310</td>
<td>Firearm transfers at gun show/event shall be in accordance with state and federal laws</td>
<td></td>
</tr>
<tr>
<td>12071.4(d)</td>
<td>27315</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>12071.4(e)</td>
<td>27320(a)</td>
<td>Vendor shall provide to producer all required info of all persons at vendor's display space</td>
<td></td>
</tr>
<tr>
<td>12071.4(e)</td>
<td>27320(b)</td>
<td>Producer shall keep at the onsite headquarters the information required in 27310(a); law enforcement may review</td>
<td></td>
</tr>
<tr>
<td>12071.4(f)</td>
<td>27325</td>
<td>Vendor and employees must wear name tags at show/event</td>
<td></td>
</tr>
<tr>
<td>12071.4(g)</td>
<td>27330</td>
<td>Consumers at gun show/event must not carry firearms and ammo at same time</td>
<td></td>
</tr>
<tr>
<td>12071.4(h)</td>
<td>27335</td>
<td>No one under 18 admitted to show/event without parent</td>
<td></td>
</tr>
<tr>
<td>12071.4(i)</td>
<td>27340(a)</td>
<td>Consumer shall sign in ink the tag/sticker attached to firearm prior to entering show/event</td>
<td></td>
</tr>
<tr>
<td>12071.4(i)</td>
<td>27340(b)</td>
<td>Consumer shall clear firearm of ammo and place required info on tag/sticker attached to firearm</td>
<td></td>
</tr>
<tr>
<td>12071.4(k)</td>
<td>27345</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>12072(a)(1)</td>
<td>27500(a)</td>
<td>Knowingly sell, supply, deliver, give possession or control of a firearm within class prohibited</td>
<td></td>
</tr>
<tr>
<td>12072(a)(2)</td>
<td>27500(b)</td>
<td>Sell, supply, deliver, give possession or control of a firearm to someone who has cause to believe they are class prohibited</td>
<td></td>
</tr>
<tr>
<td>12072(a)(3)(A)</td>
<td>27505(a)</td>
<td>Sell, loan or transfer a firearm to a minor or sell a handgun to an individual under 21 years of age</td>
<td></td>
</tr>
<tr>
<td>12072(a)(4)</td>
<td>27515</td>
<td>Sell, loan or transfer a firearm to anyone who knows or cause to believe is not the actual purchasee or transferee</td>
<td></td>
</tr>
<tr>
<td>12072(a)(5)</td>
<td>27520</td>
<td>Acquire firearm for purpose of selling, loaning, or transferring with no license or mandated requirements met</td>
<td></td>
</tr>
<tr>
<td>12072(a)(8)</td>
<td>27530</td>
<td>Sell or transfer a handgun without manufacturer's and DOJ's information</td>
<td></td>
</tr>
<tr>
<td>12072(a)(9)</td>
<td>27535</td>
<td>Make application to purchase more than one handgun within 30 day period</td>
<td></td>
</tr>
<tr>
<td>12072(b)</td>
<td>27510</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>12072(c)(1)</td>
<td>27540</td>
<td>Dealer shall not deliver a firearm to a person within 10 days, must be unloaded, secured and with ID</td>
<td></td>
</tr>
<tr>
<td>Old PC</td>
<td>New Crime PC</td>
<td>Definitions</td>
<td>Description</td>
</tr>
<tr>
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</tr>
<tr>
<td>12072(e)</td>
<td>27550</td>
<td>Collusion of falsifying test and safety procedures</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12072(f)(1)</td>
<td>27555</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12072(f)(2)</td>
<td>27560</td>
<td></td>
<td>Licensed collector must report acquisition within 5 days of bringing a firearm (curio or relic) into this state</td>
</tr>
<tr>
<td>12072(f)(3)</td>
<td>27565</td>
<td></td>
<td>Dealer must keep a register or record of electronic or telephonic transfer</td>
</tr>
<tr>
<td>12073(a)</td>
<td>28100</td>
<td>Furnish or register fictitious name or address or knowingly give incorrect information or omitting required information</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12076(b)(1)</td>
<td>28210(b)</td>
<td>Furnish or register fictitious name or address or knowingly give incorrect information or omitting required information electronic or telephonically</td>
<td>Licensed collector must report acquisition within 5 days of bringing a firearm (curio or relic) into this state</td>
</tr>
<tr>
<td>12076(c)(1)</td>
<td>28215(b)</td>
<td></td>
<td>Dealer must keep a register or record of electronic or telephonic transfer</td>
</tr>
<tr>
<td>12077.5(g)</td>
<td>Repealed</td>
<td>Third party request firearms check</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12081(b)(6)</td>
<td>29525</td>
<td></td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12082(a)</td>
<td>28050(b)</td>
<td>Dealer retain possession of firearm for private party transaction</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12082(a)</td>
<td>28050(c)</td>
<td>Dealer to deliver to buyer of firearm for private party transaction</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12082(a)</td>
<td>28050(d)</td>
<td>Dealer to give back firearm to seller for private party transaction</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12082(a)</td>
<td>28055(b)</td>
<td>Required fee charged by dealer for private party transaction</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12082(a)</td>
<td>28055(c)</td>
<td>Dealer cannot charge additional fees for private party transaction</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12083(a)</td>
<td>28455</td>
<td>Falsifying or omitting required information on the Declaration for Statutory exemption from gun license requirement</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12083(c)</td>
<td>28465</td>
<td>Dealers must receive firearms from centralized list of firearms</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12085(a)</td>
<td>29010(a)</td>
<td>Manufacturing firearms</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12085(c)(1)</td>
<td>29010(c)</td>
<td>Failure of manufacturer to turn over record of manufacturer closure within 3 days</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12086(f)(1)</td>
<td>29060</td>
<td>Gun licensee/manufacturers</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12090</td>
<td>23900</td>
<td>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</td>
<td>Personal handgun importer must within 60 days register or sell handgun</td>
</tr>
<tr>
<td>12094(a)</td>
<td>23920</td>
<td>Knowledge of change, alteration, removal, obliteration of mark or identification - buys, receives, disposes of, sells, offers to sell any pistol, revolver or other firearm</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12101(a)(1)</td>
<td>29610</td>
<td>Minor shall not possess a pistol revolver, or other firearm capable of being concealed</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12101(b)(1)</td>
<td>29650</td>
<td>Minor possesses live ammunition</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12125</td>
<td>32000(a)</td>
<td>Manufacture, import into this State for sale, keeps for sale, offers or exposes for sale, gives, or lends unsafe handgun</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12220(b)</td>
<td>32625(b)</td>
<td>Convert firearm to a machinegun</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12280(a)(1)</td>
<td>30600(a)</td>
<td>Transport, import, manufacture assault weapon/.50 BMG</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12280(b)</td>
<td>30605(a)</td>
<td>Possession of an assault weapon</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12280(c)</td>
<td>30610(a)</td>
<td>Possession of a .50 BMG</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>12281(f)</td>
<td>30720</td>
<td>Possession of an SKS rifle</td>
<td>Dealer to dealer sale of a firearm without obtaining a verification number from DOJ</td>
</tr>
<tr>
<td>Old PC</td>
<td>New Crime PC</td>
<td>Definitions</td>
<td>Description</td>
</tr>
<tr>
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</tr>
<tr>
<td>12303</td>
<td>18710(a)</td>
<td>16460</td>
<td>Possesses destructive device other than fixed ammunition of a caliber greater than .60 caliber</td>
</tr>
<tr>
<td>12303.1(a)</td>
<td>18725(a)</td>
<td>Carries a destructive device/explosives on a vessel, aircraft, car or other vehicle that transports passengers for hire</td>
<td></td>
</tr>
<tr>
<td>12303.1(b)</td>
<td>18725(b)</td>
<td>Places or carries destructive device/explosives while on board vessel, aircraft, car, or other vehicle in any hand baggage, roll or other container</td>
<td></td>
</tr>
<tr>
<td>12303.1(c)</td>
<td>18725(c)</td>
<td>Place destructive device/explosives in any baggage which is later checked with any common carrier</td>
<td></td>
</tr>
<tr>
<td>12303.2</td>
<td>18715(a)(1)</td>
<td>Possession of destructive device/explosives on public street or highway</td>
<td></td>
</tr>
<tr>
<td>12303.2</td>
<td>18715(a)(2)</td>
<td>Possession of destructive device/explosives in or near theater, hall, school, college, church, hotel, or other public building</td>
<td></td>
</tr>
<tr>
<td>12303.2</td>
<td>18715(a)(3)</td>
<td>Possession of destructive device/explosives in or near private habitation</td>
<td></td>
</tr>
<tr>
<td>12303.2</td>
<td>18715(a)(4)</td>
<td>Possession of destructive device/explosives in, on, or near aircraft, railway, passenger train, car, cable, road, cable car, vessel carrying passengers for hire</td>
<td></td>
</tr>
<tr>
<td>12303.2</td>
<td>18715(a)(5)</td>
<td>Possession of destructive device/explosives in, on, or near any other public place ordinarily passed by human beings</td>
<td></td>
</tr>
<tr>
<td>12303.3</td>
<td>18740</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>12303.6</td>
<td>18730</td>
<td>Sell, offers to sell or transports destructive device/explosive other than fixed ammunition of a caliber greater than .60 caliber</td>
<td></td>
</tr>
<tr>
<td>12304</td>
<td>18735(a)</td>
<td>Sells, offers for sale, possess, transport any fixed ammunition of caliber greater than .60 caliber</td>
<td></td>
</tr>
<tr>
<td>12308</td>
<td>18745</td>
<td>Explodes, ignites, or attempts to explode or ignite any destructive device/explosive with the intent to commit murder</td>
<td></td>
</tr>
<tr>
<td>12309</td>
<td>18750</td>
<td>Explodes or ignites destructive device/explosive which causes bodily injury</td>
<td></td>
</tr>
<tr>
<td>12310</td>
<td>18755(a)</td>
<td>Explodes or ignites destructive device/explosive which causes death</td>
<td></td>
</tr>
<tr>
<td>12310</td>
<td>18755(b)</td>
<td>Explodes or ignites destructive device/explosive which causes mayhem or great bodily injury</td>
<td></td>
</tr>
<tr>
<td>12312</td>
<td>18720</td>
<td>Possession of substance, material or any combination with the intent to make any destructive device/explosive</td>
<td></td>
</tr>
<tr>
<td>12316(a)(1)(A)</td>
<td>30300(a)(1)</td>
<td>Sell ammunition or re-loaded ammunition to a person under 18 years of age</td>
<td></td>
</tr>
<tr>
<td>12316(a)(1)(B)</td>
<td>30300(a)(2)</td>
<td>Sell handgun ammunition or re-loaded ammunition to a person under 21 years of age</td>
<td></td>
</tr>
<tr>
<td>12316(a)(1)(C)</td>
<td>30300(a)(3)</td>
<td>Supplies, delivers, or gives ammunition to a minor who is prohibited from possessing that ammunition</td>
<td></td>
</tr>
<tr>
<td>12316(b)(1)</td>
<td>30305(a)(1)</td>
<td>Person prohibited from possessing a firearm shall not possess or control ammunition or re-loaded ammunition</td>
<td></td>
</tr>
<tr>
<td>12316(b)(4)</td>
<td>30305(b)(1)</td>
<td>Gang injunction - possessing ammunition or re-loaded ammunition</td>
<td></td>
</tr>
<tr>
<td>12316(c)</td>
<td>30310(a)</td>
<td>Ammunition or re-loaded ammunition on school grounds</td>
<td></td>
</tr>
<tr>
<td>12317(a)</td>
<td>30306(a)</td>
<td>Supplies, delivers, sells or gives ammunition to a person prohibited from possessing ammunition</td>
<td></td>
</tr>
<tr>
<td>Old PC</td>
<td>New Crime PC</td>
<td>Definitions</td>
<td>Description</td>
</tr>
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</tr>
<tr>
<td>12318(a)</td>
<td>30312(a)</td>
<td>Deliver or transfer of ammunition must be face-to-face</td>
<td></td>
</tr>
<tr>
<td>12320</td>
<td>30315</td>
<td>Possess handgun ammunition designed primarily to penetrate metal or armor</td>
<td></td>
</tr>
<tr>
<td>12321</td>
<td>30320</td>
<td>Manufacture, import, sell, offer to sell, or transport handgun ammunition designed to penetrate metal or armor</td>
<td></td>
</tr>
<tr>
<td>12355(a)</td>
<td>20110(a)</td>
<td>Assembles, maintains, places, or causes to be placed a boobytrap device</td>
<td></td>
</tr>
<tr>
<td>12355(b)</td>
<td>20110(b)</td>
<td>Possess a device with intent to use the device as a boobytrap</td>
<td></td>
</tr>
<tr>
<td>12370(a)</td>
<td>31360(a)</td>
<td>Felon with body armor</td>
<td></td>
</tr>
<tr>
<td>12403.7(g)</td>
<td>22810(g)(1)</td>
<td>Use tear gas or tear gas weapons except self-defense</td>
<td></td>
</tr>
<tr>
<td>12403.7(g)</td>
<td>22810(g)(2)</td>
<td>Use tear gas or tear gas weapons except self-defense against a peace officer</td>
<td></td>
</tr>
<tr>
<td>12420</td>
<td>22900</td>
<td>Unlawful to sell, offer to sell, possess, or transport tear gas or tear gas weapon</td>
<td></td>
</tr>
<tr>
<td>12422</td>
<td>22910(a)</td>
<td>Changes, alters, removes, obliterates the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon</td>
<td></td>
</tr>
<tr>
<td>12520</td>
<td>33410</td>
<td>Possession of a silencer</td>
<td></td>
</tr>
<tr>
<td>12551</td>
<td>19910</td>
<td>Sell BB device to minor</td>
<td></td>
</tr>
<tr>
<td>12552(a)</td>
<td>19915(a)</td>
<td>Furnish BB device to minor without parental consent</td>
<td></td>
</tr>
<tr>
<td>12553(a)(1)</td>
<td>20150(a)</td>
<td>Change, alters, removes, or obliterates any coloration or marking required for imitation firearm which makes the imitation firearm look more like a firearm</td>
<td></td>
</tr>
<tr>
<td>12553(b)</td>
<td>20155</td>
<td>Manufacturer, importer, or distributor that fails to comply with federal laws and regulations for marking of toy, look-alike, or imitation firearm</td>
<td></td>
</tr>
<tr>
<td>12556(a)</td>
<td>20170(a)</td>
<td>Openly display or expose imitation firearm</td>
<td></td>
</tr>
<tr>
<td>12582</td>
<td>20010</td>
<td>Manufacturer, sells, offers for sale, possession, or use of a blowgun or blowgun ammunition</td>
<td></td>
</tr>
<tr>
<td>12590(a)(1)</td>
<td>17510(a)(1)</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>12590(a)(2)</td>
<td>17510(a)(2)</td>
<td>While picketing or concerted refusal to work carries a loaded firearm or within any vehicle</td>
<td></td>
</tr>
<tr>
<td>12590(a)(3)</td>
<td>17510(a)(3)</td>
<td>While picketing or concerted refusal to work, carries a deadly weapon</td>
<td></td>
</tr>
<tr>
<td>12590(a)(4)</td>
<td>830.95(a)</td>
<td>While picketing or concerted refusal to work, wear a peace officer uniform whether or not the person is a peace officer</td>
<td></td>
</tr>
<tr>
<td>12651(c)</td>
<td>22610(c)(1)</td>
<td>Sell or furnish stun gun to a minor unless the minor is at least 16 years of age and has written consent from parents</td>
<td></td>
</tr>
<tr>
<td>12651(d)</td>
<td>22610(d)</td>
<td>Minor possess stun gun unless at least 16 years of age and has written parental consent</td>
<td></td>
</tr>
<tr>
<td>12651(a)</td>
<td>22610(a)</td>
<td>Possession, purchase, use a stun gun - person convicted of a felony</td>
<td></td>
</tr>
<tr>
<td>12651(b)</td>
<td>22610(b)</td>
<td>Possession, purchase, use a stun gun - person addicted to any narcotics</td>
<td></td>
</tr>
<tr>
<td>12652(a)</td>
<td>22615(a)</td>
<td>Each stun gun shall have the name of manufacturer stamped on stun gun</td>
<td></td>
</tr>
<tr>
<td>12652(b)</td>
<td>22615(b)</td>
<td>Each stun gun shall have the serial number applied by the manufacturer</td>
<td></td>
</tr>
<tr>
<td>12654</td>
<td>22625(a)</td>
<td>Each stun gun sold shall be accompanied by an instructional booklet</td>
<td></td>
</tr>
<tr>
<td>12655</td>
<td>19405</td>
<td>Sell a less lethal weapon to a person under the age of 18 years of age</td>
<td></td>
</tr>
<tr>
<td>Old PC</td>
<td>New Crime PC</td>
<td>Definitions</td>
<td>Description</td>
</tr>
<tr>
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</tr>
<tr>
<td>12801(b)(1)</td>
<td>31615(a)(1)</td>
<td></td>
<td>Purchase or receive a handgun without a valid handgun safety certificate</td>
</tr>
<tr>
<td>12801(b)(2)</td>
<td>31615(a)(2)</td>
<td></td>
<td>Sell, deliver, loan or transfer a handgun to a person who does not have a valid handgun safety certificate</td>
</tr>
<tr>
<td>12802(b)</td>
<td>31620(b)</td>
<td></td>
<td>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</td>
</tr>
<tr>
<td>New</td>
<td>26350(a)(1)(A)</td>
<td></td>
<td>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</td>
</tr>
<tr>
<td>New</td>
<td>26350(a)(1)(B)</td>
<td></td>
<td>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</td>
</tr>
<tr>
<td>New</td>
<td>26350(a)(1)(C)</td>
<td></td>
<td>Openly carry unloaded handgun upon person while in or on public place in a prohibited area of a county or city and county</td>
</tr>
<tr>
<td>New</td>
<td>26350(a)(2)(A)</td>
<td></td>
<td>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</td>
</tr>
<tr>
<td>New</td>
<td>26350(a)(2)(B)</td>
<td></td>
<td>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</td>
</tr>
<tr>
<td>New</td>
<td>26350(a)(2)(C)</td>
<td></td>
<td>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</td>
</tr>
</tbody>
</table>

LASD - FOSS - 11/29/2011
HPD Memo uniforms.pdf
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 CROSS NAVY 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)*

- **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.
San Diego County
POLICE CHIEFS’ & SHERIFF’S
Association

315 Fourth Avenue
Chula Vista, CA 91910
Telephone (619) 691-5150

EXECUTIVE BOARD
Jim Abele
CHP, Border Division

Paul A. Beeson
U.S. Border Patrol

Derek Benner
ICE

John Bolduc
San Diego Port District

Craig Carrer
Escondido Police Department

Laura Duffy
U.S. Attorney

Ronnie Dumanis
District Attorney

Jon Frost
Coronado Police Department

Adolfo Gonzales
Office of the District Attorneys

Bill Gore
San Diego County Sheriffs

Deanne Hearn
FBI

Mack Jenkins
San Diego County Probation

Ovite King
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Frank McCoy
Oceanide Police Department

Gary Morrison
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David Ramirez
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Jim Redman
El Cajon Police Department

Lamone Socka,
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William Sherman
DEA

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U.S. Marshal

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San Diego Police Department

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

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


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
Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf
GV-100 Petition for GVRO.pdf
awards examples.pdf
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GV-110 Temp GVRO.pdf
GV-109 GVRO Notice of Court Hearing.pdf
CLETS 101 CLETS Information.pdf
Hate Crime Checklist.pdf
### Subject Information

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### Law Enforcement Agency Information

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### Instructions

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.

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.

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.

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.

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:**

Bureau of Firearms - Prohibition Reporting Unit  
P.O. Box 168048  
Sacramento, CA 95816-8048  
Fax: (916) 227-1021

PLEASE RETAIN A COPY FOR YOUR RECORDS
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MARINA FIRE RESPONSE STANDARD OPERATING GUIDELINES  
STANDARD INSTRUCTION 01

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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.
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%.
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.
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.
E. **Multi-Deck Vessels in Recreational Marinas**

1. Refer to the Shipboard Firefighting SOG.
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.)
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