

# Folsom Police Department

## Folsom PD Policy Manual

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### **CHIEF'S PREFACE**

This Manual is a living document which sets forth the guiding framework and expectations of the Folsom Police Department. Its policies, procedures, core values, and mission and vision statements exist to maintain high levels of professional conduct and are the embodiment of the Department's concerns for ensuring effective, safe, and professional law enforcement for our community.

There is no magic formula for dealing with the many facets of human behavior that police officers encounter each day. While this manual establishes guidelines for the performance expected of all members of our Department; it cannot reasonably anticipate the countless situations we might come across as we police our community. When encountering such circumstances, these policies, along with professional training, will serve as a guideline and should be employed with sound reason, judgment, and discretion.

I am honored to serve as your Chief, and I have complete trust in the remarkable group of professionals who have chosen to serve with the Folsom Police Department.

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### **LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

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

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

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

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### MISSION STATEMENT

#### Our Mission

- Serve with Purpose;
- Relentlessly Pursue Criminal Behavior;
- Proactively foster Positive Relationships

#### Our Vision

To be a premier law enforcement agency by investing in our community and ourselves through progressive outreach programs, training opportunities, and technological advances.

#### Our Values

- Courage
- Integrity
- Esprit de Corps
- Professionalism
- Accountability
- Compassion
- Safety
- Justice

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## **Chapter 1 - Law Enforcement Role and Authority**

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# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Folsom 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.

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

The Manual is not intended to and does not impose any legal duties not required by state or federal law. The Manual is intended to provide procedural guidelines in conjunction with the City of Folsom Charter, the Folsom Municipal Code and the City's Personnel Rules and Regulations.

### 103.1.1 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 Folsom Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, 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 Folsom Police Department reserves the right to revise any policy content, in whole or in part.

## 103.2 AUTHORITY

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

### 103.2.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as "DD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

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#### 103.2.2 DEFINITIONS

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

**Adult** - Any person 18 years of age or older.

**CHP** - The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**City** - The City of Folsom.

**Department /FPD** - The Folsom Police Department.

**DMV** - The Department of Motor Vehicles.

**Employee/Personnel** - Any person employed by the Department.

**Juvenile** - Any person under the age of 18 years.

**Manual** - The Folsom Police Department Policy Manual.

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

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

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

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

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

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

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

**Rank** - The job classification title held by an officer.

**Shall or will** - Indicates a mandatory action.

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

**USC** - United States Code

#### 103.3 DEFINITIONS

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

**Adult** - Any person 18 years of age or older.

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

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**CHP** - The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**City** - The City of Folsom.

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

**Department/FPD** - The Folsom Police Department.

**DMV** - The Department of Motor Vehicles.

**Employee** - Any person employed by the Department.

**Juvenile** - Any person under the age of 18 years.

**Manual** - The Folsom Police Department Policy Manual.

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

**Member** - Any person employed or appointed by the Folsom 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 Folsom Police Department.

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

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

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

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

**Shall or will** - Indicates a mandatory action.

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

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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

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

**USC** - United States Code.

#### **103.3.1 REVISIONS TO POLICIES**

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on [www.policy.lexipol.com](http://www.policy.lexipol.com). Members should regularly log in and review the policy. The Training Officer will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Each unit commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

#### **103.4 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members through the Internet site [www.policy.lexipol.com](http://www.policy.lexipol.com) for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

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

#### **103.5 REVISIONS TO POLICIES**

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

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

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

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

## **Chapter 2 - Organization and Administration**

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# Organizational Structure and Responsibility

## 200.1 DIVISIONS

The Chief of Police is responsible for administering and managing the Folsom Police Department. Each Division of the Folsom Police Department is headed by a member of Command Staff.

### 200.1.1 TECHNICAL SERVICES MANAGER

The Technical Services Manager is responsible for the operations of the Communications Center and for the management of the Records Bureau.

## 200.2 COMMAND PROTOCOL

### 200.2.1 SUCCESSION OF COMMAND

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

### 200.2.2 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, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

### 200.2.3 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.

# Computer Voice Stress Analyzer Examinations

## 203.1 PURPOSE AND SCOPE

The Folsom Police Department utilizes the Computer Voice Stress Analyzer as an investigative tool for the purpose of truth verification, when appropriate, as a means of screening candidates for potential employment with the Police department, as well as during criminal investigations. However, they should not be used as a single determinant for gaining employment or final determinant factor in criminal investigations. In addition, they should not be used to circumvent good investigative procedures. Use of the Computer Voice Stress Analyzer by the Police Department will be conducted in the manner set forth in this policy.

It will be the policy of the Folsom Police Department that only trained operators conduct all Computer Voice Stress Analyzer examinations and conducted in a manner consistent with this policy.

## 203.2 DEFINITIONS

- (a) **Computer Voice Stress Analyzer (CVSA):** CVSA is a psychological stress evaluator that detects, measures and charts the stress in a person's voice, by live to tape analysis following a pre-formatted questionnaire.
- (b) **Qualified Examiner:** A person who has satisfactory completed training by a recognized instructor in truth verification and the use of the CVSA. The certified examiner's course must have the minimum curriculum as listed below prior to receiving a certificate of completion. The National Institute of Truth Verification (NITV) provides initial training for certification in CVSA examinations.
- (c) **Overt Interviews:** Live interviews by the CVSA examiner with the applicant, suspect, victim, witness or complainant. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA for analysis. Additionally, all or portions of the interviews will be recorded on audio and/or videotape.
- (d) **Covert Interviews:** Audiotape or real-time analysis by the CVSA examiner where investigators have obtained voluntary tape interviews from a suspect, victim, witness or complainant. The interviews are typically designed to capture a yes or no response to pre- determined questions. The CVSA examiner will then analyze this taped interview.
- (e) **Audio Tape Analysis:** CVSA examiner analysis of the recorded responses of tape interviews, wherein the interviewee has responded with "Yes or "No" to a pre-formatted questionnaire.

## 203.3 RESPONSIBILITIES OF THE CVSA EXAMINER IN CRIMINAL INVESTIGATIONS

- (a) The CVSA examiner will review the available information pertaining to the case in question prior to administering an examination. CVSA examinations should be utilized in conjunction with investigative leads, evidence, and interviews.



## *Computer Voice Stress Analyzer Examinations*

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- (b) The CVSA examiner will have the approval of his/her supervisor prior to running a tape analysis and/or covert interview examination unless it is accompanied by a voluntarily signed consent.
- (c) The CVSA examiner will get supervisor approval prior to conducting an examination at the request of another organization.
- (d) If warranted, the CVSA examiner will receive a second opinion (cold-call) from another certified examiner on all tests conducted.
- (e) The CVSA examiner will not conduct examinations that may compromise their integrity, i.e., test on close friends, relatives and persons the examiner has a relationship with. Such examines should be deferred to a neutral operator.
- (f) CVSA examiners will conduct all CVSA exams in accordance with the professional standards and procedures instructed in the certified examiner's course.

### **203.4 RESPONSIBILITIES OF THE CRIMINAL INVESTIGATOR REQUESTING A CVSA EXAMINATION**

- (a) The investigator will consult with their direct supervisor prior to requesting a CVSA examination.
- (b) The investigator will conduct an investigation prior to a CVSA examination being scheduled and consult with the examiner prior to the examination. The CVSA is a supplement to, not a substitute for, a comprehensive criminal investigation.
- (c) The investigator will be responsible for notifying the subject of the date and time for the scheduled appointment and to ensure the subject has transportation to the examination site.
- (d) The investigator will remain available to the CVSA examiner until completion of an examination, unless otherwise agreed to by the examiner and investigator.
- (e) The Investigator will notify the CVSA examiner immediately if the subject cancels an examination appointment.

### **203.5 USE OF CVSA EXAMINATIONS DURING PRE-EMPLOYMENT INVESTIGATIONS**

CVSA examinations used in the selection process for all Police Department positions, will be approved by the Chief of Police, or his/her designee to insure:

- (a) The suitability of candidate for the organization.
- (b) The accuracy and completeness of information on application.
- (c) That any questions or conflicts arising during the background investigation are resolved.
- (d) The accurate history of criminal, or other disqualifying behavior.

Questions to be asked will be provided to applicant just prior to and at the location of the test so applicants can have sufficient time to review and ask the examiner questions. The CVSA will not

## *Computer Voice Stress Analyzer Examinations*

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be the single determinant of employment status. However, admissions made before, during or after the examination may be used to show cause for denial of employment.

### **203.6 USE OF CVSA EXAMINATIONS DURING PERSONNEL INVESTIGATIONS**

CVSA examinations will only be administered during criminal or administrative investigations focusing on a sworn officer or civilian employee, if the employee freely volunteers to take the examination. This insures the employee's constitutional rights and permits the use of any statements or admissions made during the examination to be admitted as evidence, with the approval of the Chief of Police or his/her designee. An employee's refusal to a CVSA examination shall not be documented in an investigator's notes or anywhere else, nor shall it be admissible in a hearing, trial, or proceeding whether judicial or administrative. (Cal. Gov't Code § 3307.) CVSA operators will not administer a test on police officers without written consent.

A CVSA examination of an employee will be conducted in strict adherence to the P.O.B.R.

Civilian complainants and witnesses may be tested by use of the CVSA in order to test the veracity of their complaint, allegation, or ability as a material witness. These interviews will only be conducted after a voluntary test waiver has been signed and in accordance with this policy. The use of covert interviews (audio tape analysis) of witnesses or complainants in personnel investigations will have prior approval from the Chief of Police, or his/her designee.

CVSA examinations will not be the sole determinant of fact in an administrative or criminal investigation.

### **203.7 CVSA EXAMINATION CONSIDERATIONS**

- (a) Children under the age of eighteen must have parental or legal guardian consent prior to testing. The consent must be in writing and in the possession of the CVSA examiner prior to the beginning of the examination. In-custody minors shall not be questioned without having first consulted with an attorney (Welfare and Institutions § 625.6). Children under six years of age will not be tested.
- (b) No person will be forced or coerced into taking the examination
- (c) Any person that has been indicted by the Grand Jury or formally charged for the crime that the CVSA is being requested for will not be the subject of an examination, unless there is an agreement and stipulation signed by the person to be examined, his/her defense attorney, and the prosecutor.
- (d) Any person who is extremely angry or agitated following an intense interview or interrogation will be given a cooling off period prior to the CVSA examination.
- (e) No person who is severely mentally disabled or impaired by alcohol or drugs to the extent to cause the examiner concern will be the subject of a CVSA examination.
- (f) No complaining witness in a case involving the use of force, violence, duress, menace, or threat of great bodily harm in the commission of any sex offense shall be required

## *Computer Voice Stress Analyzer Examinations*

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or requested to submit to a CVSA examination as a prerequisite to the filing of an accusatory pleading (Penal Code § 637.4(a)).

### **203.8 RECORDS**

- (a) Criminal Investigative CVSA records will include suspects name, case number, waiver of rights, voluntary submission forms, subject information sheet, CVSA graph, and statement of results.
- (b) CVSA records will be maintained for at least a three (3) year period and/or until any litigation is concluded in the case/issue.
- (c) Pre-employment CVSA records will be maintained with the candidates background investigation.
- (d) CVSA records will be stored digitally and accessible only to the examiner.

## Departmental Directive

### 204.1 PURPOSE AND SCOPE

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

#### 204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

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

### 204.2 RESPONSIBILITIES

#### 204.2.1 STAFF

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

#### 204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives and Policy Manual amendments as authorized under City of Folsom personnel rules.

### 204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms (ie: Briefing Training Form) showing an employee's acknowledgement will be maintained by the Training Officer.

# Emergency Management Plan

## **206.1 PURPOSE AND SCOPE**

The City 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 Folsom Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

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

## **206.3 LOCATION OF THE PLAN**

The Emergency Management Plan is available in Support Services and the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan. The Support Services 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 Police or designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

# Training

## 208.1 OBJECTIVES

The objectives of the Training Program are to:

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

## 208.2 TRAINING PROCEDURES

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

## 208.3 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Folsom Police Department Policy Manual and other important topics. The number of DTBs may be adjusted by the Training Officer

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Officer. 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.

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

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

#### **208.4 POLICY**

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

#### **208.5 TRAINING OFFICER**

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

##### **208.5.1 TRAINING RESTRICTION**

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

## Electronic Mail

### 212.1 PURPOSE AND SCOPE

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

### 212.2 EMAIL RIGHT OF PRIVACY

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

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

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

### 212.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Bureau Commander. 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 City of Folsom's established records retention schedule and in compliance with state law.



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

#### 212.4.1 RESPONSIBILITY

All employees of the Folsom Police Department are required to and shall check their department e-mail at a minimum of once per day during their work shift.

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## Telephone Answering-Police Department

### 213.1 POLICY

It is the policy of the Folsom Police Department that telephone calls received by any employee shall be answered as expeditiously as possible and in a professional and courteous manner.

### 213.2 PROCEDURE

#### 213.2.1 BUSINESS LINES

Incoming business calls are to be answered as soon as practicable. Employees will announce the police department name, their first or last name and/or rank. Any member of the department who is asked by a citizen for their entire name and rank, will comply with the request. Supervisors shall answer the telephone with their rank and last name.

#### 213.2.2 DEMEANOR

Employees will refrain from entering into loud verbal exchanges with complainants during the course of their telephone conversation. Yelling and/or arguing are not acceptable behavior. The employee's objective when talking with citizens is to provide professional, courteous and appropriate service. Curtness, rudeness and lack of professional courteous behavior will not be tolerated. When a caller becomes irate, inconsistent, argumentative, uses profane language, unstable, or apparently inebriated, and the conversation is at an impasse, politely and firmly end the call, and notify a supervisor as soon as practicable.

#### 213.2.3 VOICE MAIL

Employees who are supplied with a voice mail or direct office phone number shall check their voice mail messages at least once during their shift and return all phone calls that require/necessitate a response as soon as practical.

Employees with voice mail or direct office phone numbers shall modify their greeting to reflect their anticipated return date when the employee is on vacation, training or off work for a period of seven days or more.

## **Administrative Communications**

### **214.1 MEMORANDUMS**

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

### **214.2 CORRESPONDENCE**

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

### **214.3 SURVEYS**

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

## Staffing Levels

### **215.1 MINIMUM STAFFING LEVELS**

Minimum staffing levels are determined and altered by the Chief of Police, the Operations Commander or his/her designee. Minimum staffing levels in the Communication Center should result in the scheduling of at least two dispatchers on duty. The minimum staffing level may be altered at the discretion of the Chief of Police or his/her designee.

#### **215.1.1 SUPERVISION DEPLOYMENTS**

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

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

# License to Carry a Firearm

## 216.1 PURPOSE AND SCOPE

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

### 216.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

## 216.2 POLICY

Any City of Folsom residents wishing to apply for a license to carry a concealed weapon shall be directed to the Sacramento County Sheriff's Office for permit application and the permit process. Pursuant to Penal Code Section 21655(c), the Folsom Police Department has entered into an agreement with the Sacramento County Sheriff's Office to conduct the complete application process and issuance process for concealed weapons permits, renewal of permits, and amendments to permits. Residents are directed to contact the Sacramento County Sheriff's Office at (916) 874-5371 or via email at [ccw@sacsheriff.com](mailto:ccw@sacsheriff.com) for further application process information. Additional information is also available for residents on the Sacramento County Sheriff's Office website at [http://www.sacsheriff.com/organization/office\\_of\\_the\\_sheriff/ccw.cfm](http://www.sacsheriff.com/organization/office_of_the_sheriff/ccw.cfm).

## 216.3 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered public record (Government Code § 7923.808).

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of the applicant's family shall not be considered public record (Government Code § 7923.800).

## 216.4 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

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### *License to Carry a Firearm*

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An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Folsom (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

## Retiree Concealed Firearms

### 218.1 PURPOSE AND SCOPE

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

### 218.2 POLICY

It is the policy of the Folsom Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

### 218.3 LEOSA

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

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

#### 218.3.1 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 Folsom Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

#### 218.3.2 AUTHORIZATION

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

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

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

#### **218.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE**

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

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

##### **218.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT**

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

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

##### **218.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION**

The Folsom Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):



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- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- (b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

#### 218.4.3 QUALIFIED RETIRED RESERVES

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

#### 218.5 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.

##### 218.5.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

##### 218.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm inspected and approved by the Department.

#### 218.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or

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

### **218.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD**

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

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

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

### **218.8 FIREARM QUALIFICATIONS**

The Range Sergeant may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Range Sergeant 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 is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

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

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

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

## 300.2 POLICY

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

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

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

#### **300.2.1 FAIR AND UNBIASED USE OF FORCE**

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

#### **300.2.2 DUTY TO INTERCEDE**

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force. Intercede includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting efforts to deescalate the offending officer's excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer's name, unit, location, time, and situation, in order to establish a duty for that officer to intervene.

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

#### **300.2.3 DUTY TO REPORT EXCESSIVE FORCE**

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

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

#### **300.2.4 FAILURE TO INTERCEDE**

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

### **300.3 USE OF FORCE**

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

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appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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

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

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

#### 300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

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

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

#### 300.3.2 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part

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of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

### 300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.



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#### 300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

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

#### 300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

#### 300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

#### 300.3.7 USE OF FORCE TO SEIZE EVIDENCE

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

#### 300.3.8 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a

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recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

### **300.4 DEADLY FORCE APPLICATIONS**

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

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

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

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

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

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

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

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

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

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### **300.4.2 DISPLAYING OF FIREARMS**

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

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

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

With the exception of approved department training, pointing a firearm at any person should be documented. If a formal, written report of the incident is not generated, this documentation may be via the officer's MDT or Mobile application and entered into the Computer Assisted Dispatch database. The documentation should include the officer's perception of the potential threat and/or reasonable belief that a threat existed.

### **300.5 REPORTING THE USE OF FORCE**

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

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.

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

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

### **300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

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

### **300.6 MEDICAL CONSIDERATIONS**

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

### **300.7 SUPERVISOR RESPONSIBILITY**

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

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- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

#### **300.7.1 WATCH COMMANDER RESPONSIBILITY**

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

#### **300.8 USE OF FORCE COMPLAINTS**

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

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### **300.9 TRAINING**

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

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

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

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

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

### **300.10 USE OF FORCE ANALYSIS**

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

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

### **300.11 POLICY REVIEW**

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

### **300.12 POLICY AVAILABILITY**

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

### **300.13 PUBLIC RECORDS REQUESTS**

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

# Use of Force Review Boards

## 302.1 PURPOSE AND SCOPE

This policy establishes a process for the Folsom 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 Folsom Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

## 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

## 302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

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

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

The Operations Bureau Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Bureau Commander or supervisor of the involved employee to notify the Operations Bureau Commander of any incidents requiring board review. The involved employee's Bureau Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

### 302.4.1 COMPOSITION OF THE BOARD

The Use of Force Review Board shall consist of the following:

- All division Commanders
- Training Officer
- Department instructor for the type of weapon, device or technique used

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- Member of the Tactical Review Committee.
- Peer- level sworn employee

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

#### 302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. The board does not have the authority to recommend discipline.

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

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

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.
- (c) The employee's actions were intentional or unintentional.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.



# Handcuffing and Restraints

## 306.1 USE OF RESTRAINTS

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

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

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

### 306.1.1 RESTRAINT OF DETAINEES

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

### 306.1.2 RESTRAINT OF PREGNANT PERSONS

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

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

### 306.1.3 RESTRAINT OF JUVENILES

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

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### 306.1.4 NOTIFICATIONS

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

### 306.2 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

### 306.3 APPLICATION OF SPIT HOODS

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

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

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

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed.

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and discarded. Persons who have been sprayed with oleoresin capicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

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

### **306.4 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

### **306.5 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

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

#### **306.5.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

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- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

### **306.6 REQUIRED DOCUMENTATION**

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

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

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

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

### **306.7 TRAINING**

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

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

## Control Devices and Techniques

### 308.1 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### 308.2 RESPONSIBILITIES

#### 308.2.1 WATCHCOMMANDER RESPONSIBILITIES

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

#### 308.2.2 RANGEMASTER RESPONSIBILITIES

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

Every conducted energy weapon will be periodically inspected by the Range Sergeant or the designated instructor for a particular control device. The inspection shall be documented.

#### 308.2.3 USER RESPONSIBILITIES

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

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

### 308.3 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted

## *Control Devices and Techniques*

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

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

Officers optionally may carry and utilize a small, lightweight defensive baton commonly referred to as Yawara stick or Kubaton under the following conditions:

- (a) The Yawara stick or Kubaton shall only be carried by personnel who have successfully completed a course of instruction approved by the Department
- (b) The Yawara stick or Kubaton carried by the officer must be inspected and approved by a departmentally approved Impact Weapon Instructor
- (c) The cost of the Yawara stick or Kubaton shall be borne by the officer

### **308.4 TEAR GAS GUIDELINES**

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

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

### **308.5 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

#### **308.5.1 OC SPRAY**

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

#### **308.5.2 TREATMENT FOR OC SPRAY EXPOSURE**

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

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### **308.6 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.

### **308.7 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **308.7.1 DEPLOYMENT AND USE**

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

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

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

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

#### **308.7.2 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.

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- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

#### 308.7.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

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

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

#### 308.7.4 RESPONSIBILITIES- RANGEMASTER

The Range Staff or Range Sergeant shall control the inventory of kinetic energy projectiles. All damaged or inoperative kinetic energy weapons and/or munitions shall be returned to the Range Sergeant for repair or replacement. The Range Sergeant shall ensure officers trained in the use of kinetic energy projectiles complete an annual recertification course.

#### 308.7.5 RESPONSIBILITIES- MAINTENANCE

Trained officers, prior to deploying the weapon in the field, will ensure it is clean and in proper working order. All normal maintenance or cleaning shall remain the responsibility of personnel using 37mm launcher.



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### **308.8 TRAINING FOR CONTROL DEVICES**

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

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

### **308.9 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

## 309.0 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.

## 309.1 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. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicles.

Members carrying the TASER device should perform a spark test prior to every shift.

Officers who carry the TASER device while in uniform shall carry it in a weak-side holster on the side opposite the duty weapon (Penal Code § 13660).

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

## 309.2 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

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device. 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.

### **309.3 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.

#### **309.3.1 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 is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, 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.

#### **309.3.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

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

#### 309.3.3 TARGETING CONSIDERATIONS

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

#### 309.3.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

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

#### 309.3.5 ACTIONS FOLLOWING DEPLOYMENTS

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

The subject subjected to the electrical discharge and/or struck by the Electronic Weapon darts shall be photographed.

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### 309.3.6 DANGEROUS ANIMALS

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

### 309.3.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

## 309.4 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.

### 309.4.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER devices
- (b) The type and serial number of the TASER and cartridge.
- (c) The number of TASER activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (d) The range at which the TASER was used.
- (e) The type of mode used (probe or drive-stun).
- (f) Location of any probe impact.
- (g) Location of any contact in drive-stun mode.
- (h) Identification of all witnesses
- (i) Medical care provided to the subject
- (j) Observations of the subject's physical and physiological actions
- (k) Whether any officers sustained any injuries.
- (l) Whether the subject sustained any injuries.
- (m) Any known or suspected drug use, intoxication or other medical problems

## 309.5 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically cleared in an emergency room 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 device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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 providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

### **309.5 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Range Sergeant and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### **309.6 TRAINING**

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Officer. All training and proficiency for TASER devices will be documented in the officer's training file.

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Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Officer is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Training Officer should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

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

## 310.2 POLICY

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

## 310.3 TYPES OF INVESTIGATIONS

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

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

## 310.4 CONTROL OF INVESTIGATIONS

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

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

### 310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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



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### **310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS**

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

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

### **310.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION**

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

## **310.5 INVESTIGATION PROCESS**

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

### **310.5.1 UNINVOLVED OFFICER RESPONSIBILITIES**

Upon arrival at the scene of an officer-involved shooting, the first uninvolved FPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

### **310.5.2 WATCH COMMANDER RESPONSIBILITIES**

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

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

### **310.5.3 SUPERVISOR RESPONSIBILITIES**

Upon arrival at the scene, the first uninvolved FPD 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.

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### *Officer-Involved Shootings and Deaths*

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- (b) If necessary, the supervisor may administratively order any FPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
  - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional FPD 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 FPD officer should be given an administrative order not to discuss the incident with other involved officers or FPD members pending further direction from a supervisor.
  - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

#### 310.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  - 1. Involved FPD 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-FPD 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 FPD officer. A licensed psychotherapist may also be provided to any other affected FPD 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

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

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

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

#### **310.5.5 NOTIFICATION TO DEPARTMENT OF JUSTICE**

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

#### **310.6 CRIMINAL INVESTIGATION**

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

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

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

- (a) FPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of FPD 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

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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 FPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved FPD 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 FPD 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 FPD 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 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

### **310.6.3 INVESTIGATIVE PERSONNEL**

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

### **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 FPD 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.

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

### **310.8 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 City Attorney's Office, as appropriate.

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### **310.9 CIVIL LIABILITY RESPONSE**

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

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

### **310.10 DEBRIEFING**

Following an officer-involved shooting or death, the Folsom Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing. Participation in a critical incident stress debriefing is not mandatory for any personnel.

#### **310.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Administration Bureau Commander 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.

#### **310.10.2 TACTICAL DEBRIEFING**

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

### **310.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Criminal Investigations Bureau Commander and Public Information Officer in the event of inquiries from the media.

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

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inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### **310.12 REPORTING**

If the death of an individual occurs in the Folsom Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Bureau Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525; Government Code § 12525.2).

#### **310.13 NOTIFICATION**

Officers shall follow the "notification matrix" attached at the end of this manual.



## Firearms

### 311.1 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.

### 311.2 POLICY

The Folsom Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

### 311.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Range Sergeant. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

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

#### 311.3.1 HANDGUNS

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

MAKE	MODEL	CALIBER
Glock	26	9mm
Glock	19	9mm

Officers who choose to carry their personally owned handguns may do so with the approval of the Chief and the Range Sergeant. The Range Sergeant shall keep records of officers who qualify to carry personally owned handguns.

Conditions for an alternative firearm to be considered are:

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- Barrel should be 4 inches or more in length
- Trigger pull should be minimum of 4.4 pounds
- Only department-issued or department-approved ammunition may be used
- Caliber must be .40 / .45 / 9MM
- Officers in special assignments (ie: Investigations, administration) may carry smaller firearms with prior approval of the Range master and the Chief of Police

The following stipulations will apply to officers who wish to carry any of the aforementioned firearms:

- (a) Officers shall purchase, at their own expense, the appropriate holster.
- (b) Officers shall purchase, at their own expense, at least three magazines and a black, basket weave, double magazine pouch
- (c) Officers shall, at their own expense, maintain, repair and replace their firearm and associated equipment

Officers should retain/maintain their department issued firearm in case of unforeseen circumstances that may render their personally owned firearm unavailable. This will eliminate the need for unexpected requalification with their issued firearm. If the officer chooses to retain/ maintain their department issued firearm, they shall qualify with that firearm as well as their personally owned firearm at quarterly range.

Members of the SWAT team are authorized to carry personal firearms on-duty if the following criteria are met:

1. The caliber of the firearm is the same caliber as the department issued Glock 17 (9mm).
2. The firearm accepts a Glock 17 magazine.
3. The SWAT team member carries magazines that the Glock 17 accepts.
4. The costs associated with the firearm and related equipment is the responsibility of the individual member.
5. The firearm and related equipment is maintained by the individual member.
6. The firearms and related equipment must be inspected and pre-approved for on-duty use by the department Range Master.

#### 311.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 12 gauge. The following additional shotguns are approved for on-duty use:

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MAKE	MODEL	CALIBER
Benelli	M1 Super 90	12 Gauge (Special Duty Weapon)

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

#### 311.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15 Model 6721. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
Colt	M4	.223 (Special Duty Weapon)
Accuracy Int'l	AT308	.308 (Special Duty Weapon)
Colt	Commando	.223 (Motor Rifle)

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

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

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

#### Personally-owned Patrol Rifles

Personally owned patrol rifles may be carried by officers who wish to do so subject to the restrictions in this policy.

#### 311.3.4 PERSONALLY OWNED DUTY FIREARMS

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

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- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Range Sergeant prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Range Sergeant, who will maintain a list of the information.

#### 311.3.5 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Range Sergeant for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Range Sergeant.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Range Sergeant that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Range Sergeant, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Folsom Police Department identification cards under circumstances requiring possession of such identification.

#### 311.3.6 AMMUNITION

Members shall carry only department-authorized ammunition.

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

### **311.4 HOLSTERS AND MODIFICATION OF FIREARMS**

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

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

#### **311.4.1 HOLSTERS**

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

Acceptable holsters include the Safariland Raptor and Safariland Triple Threat

- (a) Any other holsters used by members of the department must meet the following criteria:
  - 1. The holster must have a minimum of three safety features for handgun retention. Any combination of safety features is acceptable including, but not limited to internal locking mechanisms, retention straps, and retention hoods. High rise design by itself will not be acceptable.
  - 2. The holster must be black basket weave in appearance.
  - 3. The holster must be made specifically for the handgun carried and approved by the Range Sergeant.
  - 4. Personnel who have written approval to carry a back-up weapon while on duty must have the holster approved by the Division Commander or his/her designee prior to use.
  - 5. Personnel assigned to a plain clothes assignment must have the holster approved by the Range Sergeant prior to use.
  - 6. The approval of alternate, back-up holsters or plain clothes holsters must be in writing with the make and model of the holster indicated. The employee and the approving Division Commander or his/her designee will sign the document, and it will be placed in the employee's personnel file for future reference. A copy will be forwarded to the range master.

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### 311.4.2 MODIFICATION OF FIREARMS

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

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

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

### 311.4.3 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 Range Sergeant. 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.

### 311.4.4 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 Range Sergeant. 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.

## 311.5 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 Range Sergeant. Members shall not dry fire or practice quick draws except as instructed by the Range Sergeant or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns 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

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firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Range Sergeant approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Range Sergeant 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.

#### 311.5.1 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.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

#### 311.5.2 STORAGE AT HOME

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

#### 311.5.3 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.

#### 311.5.4 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).

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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).

#### **311.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least 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.

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

##### **311.6.1 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.

#### **311.7 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. The supervisor shall notify the division Lieutenant/Commander as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.



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

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Bureau Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

### 311.7.1 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.

### 311.7.2 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, 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.

### 311.7.3 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.

## 311.8 RANGE SERGEANT DUTIES

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

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

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

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

#### **311.9 FLYING WHILE ARMED**

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Folsom Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Folsom Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Folsom Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

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- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **311.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Folsom Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

# Long Range Acoustical Device

## 312.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the deployment and use of the Long Range Acoustic Device (LRAD).

## DEFINITIONS

Definitions related to this policy include:

Long Range Acoustic Device (LRAD) – A high intensity directional acoustical array for long range crystal clear hailing, notification, and an unmistakable warning tone. The LRAD is primarily used as a communication device.

## 312.2 PROCEDURE

### 312.2.1 GENERAL

The LRAD shall only be used by officers trained in its deployment and used in a manner consistent with Department policy and training. Officers shall document in an appropriate report, depending on the nature of the incident, the use of the LRAD warning tone on a subject.

### 312.2.2 COMMUNICATION

The LRAD may be used to issue dispersal orders during crowd and riot control situations or to address the public in the event of:

- (a) Civil emergencies
- (b) Natural disasters
- (c) Evacuations
- (d) Police incidents (e.g., missing persons, perimeters for wanted suspects/ K9 deployments, barricaded subjects, etc.)

The LRAD may be used by police negotiators to initiate verbal contact with a subject when other forms of communications are not practical. Except as described above, when possible, a prerecorded message should be used to make announcements. When the use of a pre-recorded message is not applicable, or when additional information is necessary, the LRAD's handheld microphone may be used.

## *Long Range Acoustical Device*

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### 312.2.3 TONE GENERATOR

The LRAD warning tone is a safe deterrent for use against hostile crowds or individuals. The warning tone shall only be used when authorized by a supervisor or on-duty incident commander/watch commander. When authorized for use in the field, the warning tone shall only be used:

- (a) in short durations.
- (b) to gain immediate attention of persons, vessels or other vehicles.
- (c) as a distraction.
- (d) as needed during SWAT operations.
- (e) for other reasons determined by the incident commander.

All officers and personnel in the immediate proximity of the LRAD should wear ear protection. Advance notification should be provided to perimeter officers, prior to activating the warning tone. Officers should keep in mind the manufacturer's recommendations for effective distances. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated based on the totality of circumstances at the time of deployment.

# Vehicle Pursuits

## 313.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

### 313.1.1 DEFINITIONS

**Blocking** - A low-speed tactic where one or more authorized police department emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

**Boxing-in** - A tactic designed to stop a suspect's moving vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention** - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

**Pursuit Intervention Technique (PIT)** - A low-speed tactic intentionally applied to cause the suspect vehicle to spin out and terminate the pursuit.

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

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

**Tire deflation device** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles.

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit

**Vehicle Pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

## 313.2 OFFICER RESPONSIBILITIES

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

## *Vehicle Pursuits*

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

### 313.2.1 WHEN TO INITIATE A PURSUIT

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

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

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

### 313.2.2 WHEN TO TERMINATE A PURSUIT

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

## *Vehicle Pursuits*

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

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

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

### **313.2.3 SPEED LIMITS**

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

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

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

### **313.3 PURSUIT UNITS**

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

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



## *Vehicle Pursuits*

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An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

### 313.3.1 MOTORCYCLE OFFICERS

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

### 313.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

### 313.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

### 313.3.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary unit and is responsible for:

## *Vehicle Pursuits*

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- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

### 313.3.5 PURSUIT DRIVING

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

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

### 313.3.6 PURSUIT TRAILING

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

## *Vehicle Pursuits*

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### **313.3.7 AIRCRAFT ASSISTANCE**

When available, aircraft assistance should be requested to minimize the hazards inherent in pursuits. The aircraft is to assist pursuing ground units by advising on the pursued vehicle's direction of travel, of potential traffic hazards, possible cut off routes, and other logistical information. Coordination and/or supervision of the pursuit shall not be relinquished to the aircraft pilot unless the primary officer of the agency in charge of the pursuit at the time, or his/her supervisor, directs this action to be taken.

### **313.3.8 UNITS NOT INVOLVED IN THE PURSUIT**

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

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

### **313.4 SUPERVISORY CONTROL AND RESPONSIBILITIES**

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

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

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Folsom Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.

## *Vehicle Pursuits*

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1. Supervisors should initiate follow up or additional review when appropriate.

### **313.4.1 WATCH COMMANDER RESPONSIBILITIES**

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

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

### **313.5 THE COMMUNICATIONS CENTER**

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies and units.

#### **313.5.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES**

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

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

#### **313.5.2 LOSS OF PURSUED VEHICLE**

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

### **313.6 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.

## *Vehicle Pursuits*

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### **313.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Folsom Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

### **313.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this department to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of Folsom Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after considering the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to officers from the allied agency including but not limited to scene control, coordination and completion of supplemental reports, and any other reasonable assistance requested or needed.

### **313.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED**

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards

## *Vehicle Pursuits*

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to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

### 313.7.1 USE OF FIREARMS

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

### 313.7.2 INTERVENTION STANDARDS

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

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

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### *Vehicle Pursuits*

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4. Ramming may be used only under circumstances when deadly force would be authorized.
  5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
1. The technique should only be used by officers who have received training in the technique.
  2. Supervisory approval should be obtained before using the technique.
  3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation devices should only be used after considering the following:
1. Tire deflation devices should only be used by officers who have received training in their use.
  2. Supervisory approval should be obtained before using tire deflation devices.
  3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  4. It reasonably appears the use will terminate or prevent the pursuit.
  5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
  6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:
1. Roadblocks should only be used by officers who have received training in their use.
  2. Supervisory approval should be obtained before using the technique.
  3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
  5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

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### **313.7.3 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

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

### **313.8 REPORTING REQUIREMENTS**

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

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



## *Vehicle Pursuits*

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Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

### **313.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

The Training Officer shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

### **313.8.2 POLICY REVIEW**

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

### **313.9 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.

### **313.10 POLICY**

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

# Officer Response to Calls

## 315.1 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 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.

## 315.2 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 or other officer on scene shall immediately notify the Communications Center.

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

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

### 315.2.1 NUMBER OF UNITS ASSIGNED

Normally, only two units should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

## 315.3 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer should immediately notify the Communications Center as soon as practical. Generally, only two units should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether additional officers driving Code-3 is appropriate.

## *Officer Response to Calls*

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### **315.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call and in accordance to Folsom Police Policy.

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

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

### **315.5 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

### **315.6 SUPERVISORY RESPONSIBILITIES**

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

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

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

### *Officer Response to Calls*

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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

#### **315.7 FAILURE OF EMERGENCY EQUIPMENT**

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

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## Fire and Medical Assistance Calls

### 316.1 PURPOSE AND SCOPE

The purpose of this order is to establish the procedure for handling calls received by the Folsom Police Department that require a response from the Folsom Fire Department or other Fire agency.

### 316.2 POLICY

It shall be the policy of the Folsom Police Department to ensure that all calls requiring medical and/or fire assistance are handled in the most expedient manner possible. The Folsom Police Department will control and manage medical and/or fire calls that are assessed to be criminal or suspicious in nature.

### 316.3 DEFINITIONS

**SRFECC** - Sacramento Regional Fire Emergency Communications Center.

**FPD** - Folsom Police Department

**IWS**- Intelligent Work Station. The phone system utilized by dispatch in the Communication Center.

**CAD** - Computer Aided Dispatch

**ANI/ALI** - Automatic Number Identification / Automatic Location Identification, located within the ISW system to determine name and location of 911 call

**EMD** - A term used to define Emergency Medical Dispatching

### 316.4 PROCEDURE

#### 316.4.1 NON-EMERGENCY CALLS

When non-emergency calls are received on 911 or regular business lines requesting medical and/or fire response, the dispatchers shall make a brief inquiry and assess the nature of the non-emergency call. A CAD call will be created and the caller immediately transferred to SRFECC via IWS. FPD dispatchers will remain on the line with the caller and SRFECC dispatch to obtain and document any pertinent information into the CAD event while continuing to evaluate the situation for possible Police response.

#### 316.4.2 EMERGENCY CALLS

When an emergency call is received on 911 and/or regular business line requesting medical and/or fire assistance and response, the dispatcher shall make a brief inquiry and assess the nature of the problem. Once the call has been assessed and deemed *non-criminal* or *suspicious* in nature, a CAD call will be created and the call simultaneously transferred to SRFECC via IWS emergency transfer lines. FPD dispatch will remain on the line with the caller and SREFCC dispatch to obtain and document all pertinent information into the CAD even while continuing to evaluate the situation

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for possible Police response. If the initial assessment of the call by FPD dispatch is deemed *suspicious* or *criminal* in nature, FPD dispatch will remain in sole control of the call and caller.

#### Suspicious or Criminal Medical/Fire Calls

Emergency and/or non-emergency medical calls received by FPD dispatch that are deemed to be *suspicious* or *criminal* in nature, will be controlled and handled solely through FPD dispatch. FPD dispatchers will create a CAD call, obtain and document the appropriate details and information into CAD. FPD dispatchers will immediately dispatch SRFECC, SRFECC will be alerted to the type of crime suspected, type of injury, number of victim(s), weapons(s) and FPD response. The call or caller will not be transferred to SFRECC unless extenuations circumstances dictate. FPD dispatchers will extract vital information essential to officer (medic and fire personnel), victim and citizen safety. SFRECC will be continually updated on the situations by FPD dispatchers. SFRECC may elect to *stage* in a specific area until FPD units have arrived and secured the area and/or crime scene.

#### 316.4.3 POLICE RESPONSE

The Folsom Police Department will respond to the following types of medical and fire calls:

- (a) Life threatening ( non-breathing subject, accident etc)
- (b) Deceased person (unattended or otherwise)
- (c) Criminal and/or suspicious in nature medical and fire calls
- (d) Structure, Brush and/or Grass fires
- (e) Any medical and/or fire call when requested by the Fire Department

All fire and/or medical calls will automatically be broadcasted to FPD units over FPD Main. The FPD dispatcher will inform units on the location and give a brief explanation of the response.

# Canines

## 317.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

## 317.2 POLICY

It is the policy of the Folsom Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

## 317.3 ASSIGNMENT

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

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

## 317.4 REQUESTS FOR CANINE TEAMS

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

### 317.4.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

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### 317.4.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

### 317.5 APPREHENSION GUIDELINES

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

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

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

#### 317.5.1 PREPARATION FOR DEPLOYMENT

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

- (a) The nature and seriousness of the suspected offense.



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- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

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

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

### 317.5.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

### 317.5.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The unit coordinator shall also be notified as soon as practical. The deployment and injuries should also be included in any related incident or arrest report. Absent extended unavailability, the unit coordinator should review canine deployment reports.

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Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

#### **317.6 NON-APPREHENSION GUIDELINES**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

##### **317.6.1 ARTICLE DETECTION**

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

##### **317.6.2 NARCOTICS DETECTION**

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.

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- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

### 317.6.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

### 317.7 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (b) A garage that can be secured and can accommodate a canine vehicle.
- (c) Living within 30 minutes travel time from the Folsom City limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.

### 317.8 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

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- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Folsom Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

#### 317.8.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

#### 317.9 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

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All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

#### **317.10 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

##### **317.10.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Folsom Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

##### **317.10.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING**

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

##### **317.10.3 TRAINING RECORDS**

All canine training records shall be maintained in the canine handler's and the canine's training file.

##### **317.10.4 TRAINING AIDS**

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training

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purposes must comply with federal and state requirements. Alternatively, the Folsom Police Department may work with outside trainers with the applicable licenses or permits.

#### 317.10.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Folsom Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

#### 317.10.6 CONTROLLED SUBSTANCE PROCEDURES

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

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section 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.

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### 317.10.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

# Mounted Police Equestrian Unit

## 318.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the selection, administration and operation of the Folsom Police Department Mounted Unit.

## 318.2 POLICY

The Folsom Police Department Mounted Unit is to supplement the Operations Division whenever possible. In addition, the Mounted Unit may also assist in special events, parades, rallies, crowd control, dignitary protection and directed patrol.

## 318.3 DEFINITIONS

**Unsound Horse** - Any horse with an abnormal condition of any kind, which affects the horse's movement, behavior, or mental state.

**Mounted Police Officer** - A sworn peace officer assigned to the Mounted Unit who works with or works seated atop a trained police horse.

**Police Mount** - A horse, trained, certified and used for various policing activities under the control of a Mounted Police Officer.

## 318.4 ADMINISTRATION

### (a) Mounted Unit Supervisor - Responsibilities

1. The Mounted Unit Supervisor shall:
  - (a) Be a Sergeant who shall be responsible for scheduling monthly training, unit assignments and maintaining unit records.
  - (b) Maintain liaison with allied agencies such as the California Highway Patrol (CHP), the Sacramento County Sheriff's Department (SSD), and the Sacramento Police Department (SPD).

### (b) Mounted Unit Officer - Responsibilities

- (a) Each Officer Assigned to the Mounted Unit shall:
  - (a) Be responsible for maintaining their mount in a readied condition to be assigned as needed.
  - (b) Serve as an "Ambassador of Goodwill" and shall strive to leave each citizen contacted with a positive impression of the Mounted Unit and the Folsom Police Department.

### (c) Unit Criteria

1. Officers shall:



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- (a) Be a full-time sworn officer who has completed probation.
  - (b) Own a horse suitable for police work or have a mount available to him/her for their use in the Mounted Unit.
  - (c) Have the ability and means to transport their horse to duty assignments and training if they own their own police mount.
  - (d) Possess the necessary tack or have department issued tack and maintain it in serviceable condition.
  - (e) If utilizing horses on paved surfaces, have their horse shod with borium shoes or non-slip type shoes approved by the Mounted Unit Supervisor.
2. Mounted Unit Mounts shall:
- (a) Be a gelding or mare.
  - (b) Be 15 " 16 hands tall at the withers.
  - (c) Be of dark color with no unusual markings.
    - 1. Socks and/or facial markings (blaze, stripe or star) shall not constitute an unusual marking.
  - (d) Be proportional in height and weight
  - (e) Be broke to ride and neck rein and meet the FPD Basic Assessment Test (BAT).
  - (f) Demonstrate a desirable disposition. Undesirable characteristics include, but are not limited to:
    - 1. Biting
    - 2. Charging
    - 3. Kicking
    - 4. Rearing
    - 5. Bucking
    - 6. Obvious nervousness
    - 7. Being uneasy
    - 8. Refusing or rebelling in a violent manner
  - (g) For the purposes of the Mounted Unit, be physically sound.
  - (h) Minor blemishes are acceptable as long as the blemish does not cause pain, represent physical impairment or limit free movement of the horse.

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- (i) Any question as to the soundness of a horse shall require evaluation by an agreed upon licensed veterinarian, and the Mounted Unit Supervisor.
- (d) Extra-Duty Employment
  - 1. Officers assigned to the Mounted Unit may work extra-duty employment on their mount with the authorization of the Mounted Unit Supervisor.
- (e) Mutual Aid
  - 1. Officers assigned to the Mounted Unit shall be trained in Search and Rescue. The unit may be called upon to assist outside agencies where ever these skills may be needed.
  - 2. Requests for mutual aid shall be forwarded to the Division Commander.

### **318.5 OPERATIONS**

- (a) Deployment
  - 1. The use of the Mounted Unit shall be:
    - (a) At the direction of the Division Commander or designee.
    - (b) Considered for special events, parades, rallies searches, and other designated assignments approved by the Division Commander.
  - 2. When utilized, Mounted Unit Officers shall:
    - (a) Be under the control of the Incident Commander (IC) or current watch commander.
    - (b) Practice safe horsemanship at all times, considering the safety of the public, the officer and the mount.
    - (c) Be equipped with a mounted horse baton (40 inches).
    - (d) During hours of darkness, utilize reflective leg wraps.
  - 3. Hours of operation (Shift assignment)
    - (a) Duty hours shall be known as *saddle time* or the actual hours worked with a mount
    - (b) Mounted Unit officers shall be prepared to be in the saddle at the beginning of their shift.
  - 4. Preparation Time (Prep Time)
    - (a) For regular patrol duties or varied assignments within regular shift hours, prep time shall be inclusive as regular duties within the shift.
    - (b) All other times shall be previously approved by the Division Commander.

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### **318.6 MOUNTED TRAINING**

(a) Mounted Unit Trainer/Coordinator

1. The Mounted Unit trainer/coordinator shall be responsible for the initial evaluation and the continuous training of the officers and mounts assigned to the Mounted Unit. The Mounted Unit trainer/coordinator shall plan and organize training in conjunction with the Mounted Unit Supervisor. All officer/mount evaluations shall be directed to the Mounted Unit Supervisor for retention in the Mounted Unit training file.

(b) Prescreening of Officers and Mounts

1. Prior to assignment to the Mounted Unit, each applicant and their mount shall pass the Basic Assessment Test (BAT). This is to ensure the Officer/Mount have the minimum necessary skills/abilities to ensure the best possible performance in consideration of officer and public safety.
2. Applicants may also be subject to an oral interview or similar process for assignment to the Mounted Unit, as approved by the Chief of Police.

(c) Training

1. Officers assigned to the Mounted Unit shall:
  - (a) Attend with their mounts, and successfully complete a 40-hour POST certified Mounted Patrol Officers training course, within the first year of being assigned to the Mounted Unit.
  - (b) Attend monthly Mounted Unit training.
    1. Officers shall complete a minimum of eight (8) monthly training days per year.
    2. Training days that are missed shall be pre-approved with the Mounted Unit Supervisor.
  - (c) Maintain their mounts in proper physical condition for duty.
    1. The Mounted Unit supervisor and trainer/coordinator shall continually evaluate and monitor the physical condition of all mounts assigned to the Mounted Unit.
    2. If a problem is detected, it should be corrected as soon as practical.
  - (d) Demonstrate to the satisfaction of the Mounted Unit Supervisor and trainer/coordinator that their mount has the ability to perform in a stressful environment.

# Domestic Violence

## 319.1 PURPOSE AND SCOPE

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

### 319.1.1 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.

## 319.2 POLICY

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

## 319.3 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.

## 319.4 INVESTIGATIONS

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

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

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- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Division in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.
  - 6. Denial that the abuse occurred where evidence indicates otherwise.
  - 7. A request by the victim not to arrest the suspect.
  - 8. Location of the incident (public/private).
  - 9. Speculation that the complainant may not follow through with the prosecution.
  - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  - 11. The social status, community status, or professional position of the victim or suspect.

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### **319.4.1 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.

### **319.4.2 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.

### **319.5 VICTIM ASSISTANCE**

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

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

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

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### **319.6 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.

### **319.7 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).

### **319.8 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.

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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.

### **319.9 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

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



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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).

### **319.10 REPORTS AND RECORDS**

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

### **319.11 RECORD-KEEPING AND DATA COLLECTION**

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

### **319.12 SERVICE OF COURT ORDERS**

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

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- (b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

### **319.13 PUBLIC ACCESS TO POLICY**

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

### **319.14 DECLARATION IN SUPPORT OF BAIL INCREASE**

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

### **319.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM**

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

# Search and Seizure

## 321.1 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 Folsom Police Department personnel to consider when dealing with search and seizure issues.

## 321.2 POLICY

It is the policy of the Folsom 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.

## 321.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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### **321.4 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

## 323.1 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 Folsom Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

### 323.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

**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 that is more than brief or inadvertent.

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

### **323.2 POLICY**

The Folsom 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 Folsom Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

### **323.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Folsom 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 Folsom Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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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).

### **323.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY**

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

### **323.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill 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).

### **323.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Folsom 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 Folsom 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 Folsom Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

#### **323.4.1 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 Folsom Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

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

#### **323.4.2 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

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the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

### **323.4.3 CUSTODY OF JUVENILE OFFENDERS**

Juvenile offenders should be held in non-secure custody while at the Folsom Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

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

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

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

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to 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).

### **323.5 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. This does not apply to juvenile non-



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offenders taken into temporary custody for their safety or welfare (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).

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).

### **323.6 JUVENILE CUSTODY LOGS**

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

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

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

### **323.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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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 Folsom 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).

### **323.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Folsom 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 Folsom Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Folsom 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).

### **323.9 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 Folsom 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).

### **323.10 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the Folsom 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 Folsom Police Department.

### **323.11 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

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

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

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

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

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

#### 323.11.1 LOCKED ENCLOSURES

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

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

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

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### **323.12 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 Folsom Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Criminal Investigations 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 City 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.

### **323.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

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

#### **323.13.1 MANDATORY RECORDINGS OF JUVENILES**

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

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.

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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).

### **323.14 FORMAL BOOKING**

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, should generally 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 Investigation Division 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

### **323.15 RELEASE OF INFORMATION CONCERNING JUVENILES**

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

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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 Folsom 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 Investigation Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

#### **323.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION**

The Operations Bureau Commander shall coordinate the procedures related to the custody of juveniles held at the Folsom Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

#### **323.17 RELIGIOUS ACCOMMODATION**

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

## Juvenile Diversion

### 324.1 PURPOSE AND SCOPE

This policy describes the Juvenile Diversion Program, the process for assigning juvenile offenders to the program and the program's desired outcomes.

### 324.2 DIVERSION ACCEPTANCE PROCESS

The Records Unit shall forward all crime and status offense reports involving juveniles not booked directly into the Juvenile Hall to the Youth Services Detective (YSD). The YSD shall determine whether to forward the report to the Juvenile Probation Department for review of criminal charges or offer the minor admittance to the diversion program.

- (a) The following criteria should be used by YSD in determining the appropriate disposition:
  - 1. Age of minor
  - 2. City of residence (generally, program offered to Folsom residents only)
  - 3. Co-defendants
  - 4. Criminal sophistication of minor
  - 5. Crime alleged
  - 6. Criminal history of minor
  - 7. Seriousness of the crime
  - 8. Previous diversion agreements
  - 9. Family support/intervention available to the minor
  - 10. What is best for the minor and community
- (b) Generally, the following crimes or circumstances will prohibit the minor's acceptance into the diversion program:
  - 1. Juvenile has prior criminal history and/or prior status with probation
  - 2. Felony involving a weapon and/or violence
  - 3. Sexual offenses that could result in 290 PC status if sustained
  - 4. Minor denies offense or refuses to accept responsibility for his/her actions

#### 324.2.1 DIVERSION ACCEPTANCE NOTIFICATION

After the YSD determines a juvenile would possibly be a good candidate for placement within the diversion program, the YSD will send a notification letter to the minor's parent(s) or legal guardian inviting them to participate in a diversion intake hearing. Generally, this notification should occur



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within 10 days of the juvenile's temporary detention. The minor and the minor's guardian(s) must participate in the hearing for diversion to be considered. The hearing will be conducted by the YSD and may include a detective supervisor or manager, with the YSD making the determination of the juvenile's status within the program. In the extended absence of the YSD, a School Resource Officer may act as the intake hearing officer.

Upon completion of the intake hearing the YSD will notify the officer who made the original arrest of the minor as to the minor's acceptance or denial into the diversion program.

### **324.2.2 ARRESTING OFFICER PROCEDURES**

When officers make the decision to take a juvenile into temporary custody pursuant to 601 or 602 W&I they should refrain from making promises to the offenders or their parents/guardians about possible acceptance into the diversion program. However, officers are encouraged to advise the minor and/or the minor's parents about the program's existence and processes. Arresting officers shall complete a written crime report and release the juvenile with a signed promise to appear pursuant to Folsom Police Policy #324. In lieu of a date of court appearance, officers should indicate "To Be Notified" on the citation. The arresting officer should also indicate in the written report if the minor or parent expressed interest in the diversion program.

### **324.3 DIVERSION PROCESS**

Minors and their guardians who accept the terms of diversion are required to sign a Diversion Contract with the Police Department which may last from 30 -180 days. The agreement outlines program requirements and may require the minor to complete any of the following:

- (a) Community service hours as assigned by YSD
- (b) Written essay(s) relative to offense committed
- (c) Apologies to victim(s); written or verbal (as assigned by YSD)
- (d) Successful completion of the MADD Drug/Alcohol Program
- (e) In addition, minors who accept the terms of diversion may be required to:
  - 1. Adhere to a curfew agreed upon by parent/guardian and YSD.
  - 2. Attend all school classes with no unexcused absences, maintaining a 2.0 GPA
  - 3. Abstain from the use of alcohol and or drugs
  - 4. Obey all laws; State, County, City of Folsom, etc.
  - 5. Obey rules of guardian and YSD
  - 6. Provide a list of friends including telephone numbers to guardians and YSD.
  - 7. Agree to a reasonable search clause with guardian consent
  - 8. Abstain from contact or communication with victim(s) and/or others involved in crime.

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Minors or their guardians who decline to take part in the diversion program will have their case forwarded to Juvenile Probation for review and adjudication.

#### **324.4 FOLSOM JUVENILES ARRESTED OUTSIDE FOLSOM**

Juvenile residents arrested outside the City limits may be referred for diversion by Officer Involved Shooting Protocol Probation. The YSD and the Probation Officer will determine whether the case will be handled through diversion or whether the Probation Department will handle the case. If the case is referred to Folsom PD, it will be processed accordingly.

When Folsom PD arrests an out-of-area minor, generally the case will be forwarded to the Probation Department for regular processing as required by the W&I Code. However, if a clear nexus exists between the minor and the City of Folsom (e.g. Minor is a student in a Folsom K-12 school) the YSD's immediate supervisor may approve an out-of-area minor's acceptance to the Diversion program.

#### **324.5 NON-CRIMINAL DIVERSION REQUESTS**

As a general rule the YSD will not consider a minor for inclusion into the diversion program unless the minor has been taken into temporary custody and released on a notice-to-appear. If, however, an officer has a situation in which the minor and the guardian request a diversion meeting, the investigating officer may consult with the YSD who will determine the best course of action.

#### **324.6 FAILURE TO COMPLETE DIVERSION**

Minors who fail to complete the agreed upon terms of the Diversion contract may be provided one additional opportunity to comply at the discretion of the YSD. If the minor fails to complete the terms agreed to the diversion contract shall be terminated and criminal charges filed with Juvenile Probation.

#### **324.7 COMPLETION OF DIVERSION**

Minors who complete the diversion program in good standing will be provided with a program completion certificate indicating that they have successfully completed the Folsom Police Department's Juvenile Diversion Program. A supplemental report will be generated indicating that diversion was successful. The supplemental report shall be forwarded to Records for attachment to the original report and the criminal complaint will be considered resolved.

## Adult Abuse

### 325.1 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 Folsom Police Department members as required by law.

#### 325.1.1 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).

### 325.2 POLICY

The Folsom Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

### 325.3 INVESTIGATIONS AND REPORTING

All incidents involving actual or suspected adult abuse shall be fully investigated and appropriately documented.

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

- (a) 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)).
- (b) 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)

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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.

### **325.4 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).

### **325.5 MANDATORY NOTIFICATION**

Members of the Folsom 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)):

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1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
  4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
  - (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
  - (d) The 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.
  - (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
  - (j) When the Department receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing

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

The Investigation Division 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).

### **325.5.1 NOTIFICATION PROCEDURE**

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

### **325.6 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 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.

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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.

### **325.6.1 EMERGENCY PROTECTIVE ORDERS**

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

## **325.7 INTERVIEWS**

### **325.7.1 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.

### **325.7.2 DETAINING VICTIMS FOR INTERVIEWS**

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

## **325.8 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.

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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.

### **325.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

#### **325.9.1 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 Investigation Division supervisor so an interagency response can begin.

#### **325.9.2 SUPERVISOR RESPONSIBILITIES**

The Investigation Division 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 Investigation Division 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.

### **325.10 TRAINING**

The Department 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.



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

### **325.11 RECORDS BUREAU RESPONSIBILITIES**

The Records Unit is responsible for:

- (a) Providing a copy of the adult abuse report to the APS, ombudsman or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- (b) Retaining the original adult abuse report with the initial case file.

### **325.12 JURISDICTION**

The Folsom 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 will retain responsibility for the criminal investigations (Penal Code § 368.5).

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## Discriminatory Harassment

### 327.1 PURPOSE AND SCOPE

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

### 327.2 POLICY

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

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

All employees will adhere to the City of Folsom Policy 203- Harassment.

Supervisors initiating an investigation under this section should consider the protections under the Peace Officer's Bill of Rights.

### 327.3 REQUIRED POSTERS

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

# Child Abuse

## 329.1 POLICY

The Folsom Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

## 329.2 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

### 329.2.1 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.

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### **329.3 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).

### **329.4 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.
- (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.

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- (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).

### **329.4.1 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).

### **329.5 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
  - 1. The child has an immediate need for medical care.
  - 2. The child is in immediate danger of physical or sexual abuse.
  - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

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- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
  - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  - 2. There is no lawful custodian available to take custody of the child.
  - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
  - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

### **329.5.1 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.

### **329.5.2 NEWBORNS TESTING POSITIVE FOR DRUGS**

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

## **329.6 INTERVIEWS**

### **329.6.1 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.

### **329.6.2 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:

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- (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.

### **329.6.3 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).

### **329.7 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.

### **329.8 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.

### **329.9 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

#### **329.9.1 RELEASE OF REPORTS**

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

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#### 329.9.2 CHILD DEATH REVIEW TEAM

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



# Missing Persons

## 331.1 DEFINITIONS

**At risk** - Includes, but is not limited to (Penal Code § 14213) the following:

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person

**Missing Person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14213).

**Missing person networks** - Those databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

## 331.2 POLICY

The Folsom 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 Folsom 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).

## 331.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate

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- Biological sample collection kits

### 331.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

### 331.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
  1. A photograph and a fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  3. Any documents that may assist in the investigation, such as court orders regarding custody.

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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.

### **331.6 REPORT PROCEDURES AND ROUTING**

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### **331.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  1. The reports should be promptly sent to the Records Unit.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### **331.6.2 RECORDS UNIT RESPONSIBILITIES**

The receiving member shall:

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

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- (d) Forward a copy of the report to the Investigation Division.
- (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).

### **331.7 INVESTIGATION DIVISION FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
  - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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

### **331.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

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

- (a) Notification is made to California DOJ.
- (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.

### **331.9 CASE CLOSURE**

The Investigation Division 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 Folsom or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

## Public Alerts

### 333.1 RESPONSIBILITIES

#### 333.1.1 MEMBER RESPONSIBILITIES

Members of the Folsom Police Department should notify their supervisor, Watch Commander, or Investigation Division 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.

#### 333.1.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Bureau Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Commander

### 333.2 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.

#### 333.2.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

- (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.

#### 333.2.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

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- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
  - 1. The child's identity, age and description
  - 2. Photograph if available
  - 3. The suspect's identity, age and description, if known
  - 4. Pertinent vehicle description
  - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
  - 1. The local FBI office
  - 2. National Center for Missing and Exploited Children (NCMEC)

### **333.3 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.

#### **333.3.1 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.

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- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

#### 333.3.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
  - 1. The license number and/or any other available description or photograph of the vehicle
  - 2. Photograph, description and/or identification of the suspect
  - 3. The suspect's identity, age and description, if known
  - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
  - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
  - 2. The FBI local office

#### 333.4 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).

##### 333.4.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.



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- (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.

### 333.4.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

### 333.5 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

#### 333.5.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
  - 1. The complete license plate number of the suspect's vehicle.
  - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
  - 3. The identity of a suspect.
  - 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

#### 333.5.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

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### **333.6 FEATHER ALERT**

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

#### **333.6.1 CRITERIA FOR FEATHER ALERT**

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### **333.6.2 PROCEDURE FOR FEATHER ALERT**

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

### **333.7 ENDANGERED MISSING ADVISORIES**

An EMA is an emergency notification system for people have been reported missing and believed to be at risk or endangered and assistance in distributing information to help locate the individual(s) is desired. Although not all inclusive, the following are examples where an EMA versus an AMBER Alert, may be appropriate:

- (a) A custodial parent takes their child and, due ot specific circumstances, the investigating agency deems the child to be at-risk/endangered.
- (b) A juvenile is reported missing and there is no indication or confirmation that an abduction has occurred.
- (c) A person with a known medical condition, such as dementia, is reported missing.

An EMA involves many of the same alerting/notification measures utilized during an AMBER Alert, except for there is no activation of the EAS and typically, Changeable Message Boards (CMS) are not utilized. An EMA generally consists of:

- (a) An Emergency Digital Information Service (EDIS) message,
- (b) Critical Reach flyer,
- (c) Be-On-the-Look-Out broadcasts,
- (d) U.S./Mexico border notifications (if appropriate)

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- (e) And notification to the National Center of Missing and Exploited Children

### **333.8 EMERGENCY OPERATIONS CENTER ACTIVATION**

The activation of an AMBER or other alert will likely generate a large volume of calls to the Police Department. The Operations Commander will provide a phone number to be used as a public number for the EOC call center. The Public Information Officer will assist in disseminating the public phone number. Personnel will be assigned to work the call center based on the circumstances and the anticipated need. If needed, the Training Officer will activate WebEOC to track and manage the event and information coming in from the public.

### **333.9 MUTUAL AID**

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigation Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

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

The Folsom Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

### **333.10 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES**

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

#### **333.10.1 CRITERIA**

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).

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- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

#### 333.10.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

# Victim and Witness Assistance

## 335.1 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.

## 335.2 POLICY

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

## 335.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Folsom 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.

### 335.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

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

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
  - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

### **335.4 CRIME VICTIMS**

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

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

#### **335.4.1 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).

### **335.5 VICTIM INFORMATION**

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

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

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

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

### **335.6 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

## 337.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Folsom Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

### 337.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's



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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender** - Gender means sex and includes a person's gender identity and gender expression.

**Gender expression** - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

**Gender identity** - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
  - 1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

**In whole or in part** - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality means country of origin, immigration status, including citizenship, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship

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

### **337.2 POLICY**

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

### **337.3 PLANNING AND PREVENTION**

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

#### **337.3.1 HATE CRIMES COORDINATOR**

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

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

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- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.
- (i) Coordinating with the Training Officer to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Unit for mandated reporting to the Department of Justice.
  - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Unit Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Annually assessing this policy, including:
  - 1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
  - 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

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### **337.3.2 RELEASE OF INFORMATION**

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

### **337.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP**

#### **337.4.1 INITIAL RESPONSE**

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.

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1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
  1. Hate literature.
  2. Spray paint cans.
  3. Threatening letters.
  4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
  1. Identity of suspected perpetrators.
  2. Identity of witnesses, including those no longer at the scene.
  3. The offer of victim confidentiality per Government Code § 7923.615.
  4. Prior occurrences in this area or with this victim.
  5. Statements made by suspects; exact wording is critical.
  6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

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

### 337.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
  - 1. Hate literature.
  - 2. Spray paint cans.
  - 3. Threatening letters.
  - 4. Symbols used by hate groups.
  - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
  - 1. Identity of suspected perpetrators.
  - 2. Identity of witnesses, including those no longer at the scene.
  - 3. Offer of victim confidentiality per Government Code § 7923.615.
  - 4. Prior occurrences, in this area or with this victim.
  - 5. Statements made by suspects; exact wording is critical.
  - 6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

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- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
  - 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
  - 2. Provide ongoing information to victims about the status of the criminal investigation.
  - 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

#### 337.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
  - 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  - 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
  - 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).



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- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

#### **337.5 TRAINING**

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

#### **337.6 APPENDIX**

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

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# Standards of Conduct

## **339.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the Folsom 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.

## **339.2 POLICY**

The continued employment or appointment of every member of the Folsom 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.

## **339.3 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a lawful justification for non-compliance.

### **339.3.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### **339.3.2 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.

### **339.4 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.

### **339.5 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:

#### **339.5.1 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 policy manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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#### 339.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Folsom Police Department in any way that could reasonably be perceived as an attempt to gain influence, benefit, favor 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, the City, 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.

#### 339.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 339.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on--duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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### 339.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

### 339.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
  - (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

### 339.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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#### 339.5.8 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 events.
  - 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 City policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

#### 339.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

#### 339.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

### 339.5.11 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.



## Sleep Room Use

### **340.1 POLICY**

Department employees who have a valid need to use the resting room may do so, when, in the opinion of the on-duty supervisor or watch commander, the interests of the department are being met, and the safety and welfare of the employees are maintained.

Under no circumstances shall a department employee use the resting room without prior direct approval of their supervisor or watch commander. Key access to the resting room shall be restricted to supervisory personnel.

Supervisory personnel are responsible to closely monitor, approve and/or disapprove the use of the resting area. Such decision is at the sole discretion of the supervisor. The supervisor shall notify the on-duty watch commander whenever the resting room is being utilized.

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# Information Technology Use

## **341.1 PRIVACY POLICY**

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

## **341.2 POLICY**

It is the policy of the Folsom Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## **341.3 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

## **341.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

### *Information Technology Use*

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Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

#### 341.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

#### 341.4.2 HARDWARE

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

#### 341.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

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### **341.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

### **341.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

### **341.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

# Report Preparation

## 343.1 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.

### 343.1.1 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.

### 343.1.2 TELEPHONE REPORTING

For calls that are not in progress and if the reporting party agrees that a telephone report would be more convenient and practical, an officer may take that report over the telephone. These telephone reports should only be authorized if the suspect(s) identity is not known or if the crime is minor in nature and does not require any follow up by patrol officers in the field such as evidence collection, finger printing services, video review, witnesses interviews, etc.

Considerations when determining to take a report by telephone include, but are not limited to:

- Nature of Crime / Crime Type
- Purpose of Report; Insurance purpose only; Information documentation only; etc.
- Time frame / Incident occurred some time ago
- No Suspect Information; Suspect is not known in any way, not named or otherwise identified
- Location of RP; No longer in Folsom; Unable to respond in person; Extended ETA

## Report Preparation

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- Lack of Evidence; No crime scene to process; No security video; No property or physical items to collect or photograph
- Lack of Further Investigative Leads; No information that would lead to the arrest of the responsible person(s)

The following are examples of reports that may be taken over the phone if the above considerations apply:

- Forgery/Fraud
- Identity Theft via Internet
- Harassment/Threats (May include 653m PC)
- Simple Assault/Battery; Late reports only
- Defrauding in Inn Keeper; Motel, restaurant or taxi
- Theft/Burglary from a vehicle (If no evidence or fingerprints to process)
- Lost Items (Dispatch takes lost cell phone reports)
- Supplemental Reports; Applying the considerations mentioned above

Supervisors/Officers should use discretion when deciding whether to respond to the victim's location or take the report over the telephone. If the victim requests an officer respond to their location, then an officer or CSO (if appropriate) shall respond.

### **343.2 REQUIRED REPORTING**

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

#### **343.2.1 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. Senior and Disability Victimization Policy

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- 5. Hate Crimes Policy
- 6. Suspicious Activity Reporting Policy

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

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

### 343.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved reporting mechanism:

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

### 343.2.3 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.

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### **343.2.4 INJURY OR DAMAGE BY CITY PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

### **343.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

### **343.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES**

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Unit shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

## **343.3 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.

### **343.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

### **343.4 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.



### *Report Preparation*

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#### **343.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

#### **343.6 ON-LINE REPORTING**

The Folsom Police Department may offer on-line crime reporting for the convenience of the public and victims of crime. The intent of on-line reporting is to give other options for reporting minor crimes, quality of life issues, and neighborhood nuisances.

##### **343.6.1 ACCEPTABLE ON-LINE REPORTS**

Only the following types of reports are allowed in the on-line reporting system. The following is the list of incident types which may be reported online:

- (a) Identify Theft
- (b) Vandalism
- (c) Theft from Unlocked Vehicle
- (d) Lost Property (not including license plates)
- (e) Abandoned Vehicle
- (f) Animal Complaints
- (g) Neighborhood Nuisance (e.g. barking dog, basketball hoop or garbage can left on the street)
- (h) A report that needs to be filed for insurance purposes

Dispatch and Records staff may offer this option to callers if the incident qualifies for on-line reporting and the person does not want an officer/CSO to respond to their location. On-line reporting of qualifying incidents may also be offered by Dispatch and Records staff if there is going to be a significant delay in officer/CSO response due to higher priority calls for service.

##### **343.6.2 UNACCEPTABLE ON-LINE REPORTING**

On-Line reporting may not be used if:

- There are known investigative leads
- There are known suspects, with the exception of Custody Order Violations (where the child's safety is not endangered)
- There is evidence to collect

Officers and CSOs who have been dispatched to calls for service should not offer on-line reporting in lieu of taking a report.

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### 343.6.3 ADDITIONAL REQUIREMENTS AND ALLOWANCES OF ON-LINE REPORTING

The following are requirements:

- An incident shall be generated for each on-line reporting transaction created.
- An on-line report may be filed through the general on-line reporting email mailbox or through the on-line reporting portal.
- The reporting party of any on-line report transaction shall be contacted within 24 hours unless extenuating circumstances exist.
- Operations Sergeants and Lieutenants shall regularly check the on-line reporting queue to ensure that pending incidents are being handled according to policy.
- Information not provided in the initial on-line contact shall be gathered by the responsible employee and included in the incident or case report.

## Media Relations

### 345.1 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 345.1.1 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 Police.

### 345.2 MEDIA ACCESS

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

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
  - 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a

## Media Relations

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TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

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

### 345.2.1 PROVIDING ADVANCE INFORMATION

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

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

### 345.3 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

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

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- (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 § 827.5).

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

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

#### **345.3.1 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

## 347.1 POLICY

Folsom Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 347.1.1 RESPONSIBILITY

Supervisors/Sergeants are required to enter data into the Subpoena Tracker Calendar specific to employee vacations, days off, schools, and trainings.

Supervisors/Sergeants shall check the Subpoena Tracker Calendar prior to approving training days or days off for the employee, to ensure there is no court date conflict on a previously served subpoena date.

It is the responsibility of the Officer/Employee to review the Subpoena Tracker Calendar prior to requesting a vacation day or training day(s) to ensure there is no court date conflict on a previously served subpoena date.

It is the responsibility of the Officer/Employee to ensure that his/her days off are accurately represented on the Subpoena Tracker Calendar, based on their assigned schedule and days off. This will allow the Courts and the Department to minimize scheduling issues relative to employee's availability, employees attending trainings, court overtime, backfill overtime, requested days off, vacation days, etc.

By maintaining the accuracy of the Subpoena Tracker Calendar, the result will be fewer court cancellations and/or the rescheduling of court dates

## 347.2 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 department agent (Government Code § 68097.1; Penal Code § 1328(c)).

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

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

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

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer

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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)).

### **347.2.1 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 City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City 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 Folsom Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Folsom Police Department.

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

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

### **347.2.2 CIVIL SUBPOENA**

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

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

### **347.2.3 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.

### **347.3 FAILURE TO APPEAR**

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

## *Subpoenas and Court Appearances*

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### **347.4 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.

### **347.5 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.

#### **347.5.1 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.

### **347.6 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.



## Reserve Officers

### **349.1 PURPOSE AND SCOPE**

The Folsom Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

### **349.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS**

The Folsom Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

#### **349.2.1 PROCEDURE**

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing training specified by POST consistent with the Reserve Officer appointment level.

#### **349.2.2 APPOINTMENT**

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

#### **349.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS**

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall be provided uniforms equal to that of regular officers.

#### **349.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS**

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

### **349.3 DUTIES OF RESERVE OFFICERS**

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the

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Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

Technical Reserve employees are hired at the discretion of the Chief of Police to perform support functions. Technical Reserves may be assigned to various areas within the Department as needed. Technical Reserve employees are required to work a minimum of 10 hours per month.

#### **349.3.1 POLICY COMPLIANCE**

Reserve Police officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

#### **349.3.2 RESERVE OFFICER ASSIGNMENTS**

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

#### **349.3.3 RESERVE COORDINATOR**

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve officer performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

#### **349.4 FIELD TRAINING**

Penal Code § 832.6(a)(2) requires Level I reserve officers, who have not been released from the immediate supervision requirement per Policy Manual § 349.4.7, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

##### **349.4.1 TRAINING OFFICERS**

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

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#### 349.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Police Training Officer (PTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

#### 349.4.3 TRAINING MANUAL

Each new reserve officer will be issued a 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 Folsom Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

#### 349.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

#### 349.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

#### 349.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

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#### **349.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS**

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

#### **349.5 SUPERVISION OF RESERVE OFFICERS**

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Bureau Commander.

##### **349.5.1 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Bureau Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Bureau Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

##### **349.5.2 RESERVE OFFICER MEETINGS**

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

##### **349.5.3 IDENTIFICATION OF RESERVE OFFICERS**

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

##### **349.5.4 UNIFORM**

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

##### **349.5.5 INVESTIGATIONS AND COMPLAINTS**

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Bureau Commander.

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Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

#### **349.5.6 RESERVE OFFICER EVALUATIONS**

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

#### **349.6 FIREARMS REQUIREMENTS**

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

##### **349.6.1 CARRYING WEAPON ON DUTY**

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

##### **349.6.2 CONCEALED FIREARMS PROHIBITED**

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit

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will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Folsom Police Department.

#### **349.6.3 RESERVE OFFICER FIREARM TRAINING**

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual. Should a reserve officer fail to qualify that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

#### **349.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

# Explorer Program

## 350.1 PURPOSE AND SCOPE

The Explorer Post is an official program of the Police Department. The Explorer Post is chartered and shall remain so chartered, through the Boy Scouts of America/Learning-For-Life Program. The purpose of Police Exploring is to prepare its youth for a future in Law Enforcement.

Police Explorers are organized under the direct supervision of authorized advisors or staff and perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in Law Enforcement.

The Explorer Post Manual shall be maintained and periodically updated by the Chief of Police or his/her designee. In addition to the provisions of this policy, the Explorer Post Manual should be consulted for detailed information regarding the operation of the Explorer Post.

## 350.2 EXPLORER MEMBERSHIP REQUIREMENTS

Membership in the Explorer Post is open to all persons who meet the requirements listed below and any other eligibility requirements established by the Boy Scouts of America/Learning-For-Life Program. **Members must be enrolled with the Folsom Cordova Unified School District or a City of Folsom resident enrolled in an equivalent high school program to participate in the Exploring program.**

- Be between the ages of 14 and 21 years of age
- Be a graduate of the 8th grade and enrolled in continuing education
- Have an interest in learning about Law Enforcement and in serving the community
- Pass an applicant screening process
- Have no felony convictions
- Be of good moral character, in good health, and emotionally stable
- Be willing to supply a uniform and other equipment
- Be willing to make the required commitments to attend meetings, details, and other training events
- Have parental/guardian permission, if under 18 years of age

### 350.2.1 EDUCATION REQUIREMENTS

Explorers shall be enrolled in high school or an equivalent academic program while participating in the Explorer program. Explorer's who have graduated high school, or its equivalent, shall be enrolled in college or an advanced education program with a minimum of three (3) credits per semester.

Explorers shall be in good academic standing and are required to maintain a minimum grade point average of 2.5 (C+ grade) for all courses taken.

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### **350.3 VOLUNTEERISM**

Members of the Explorer Post attend Explorer Post functions and participate in Explorer Post activities voluntarily. Members of the Explorer Post are not employees of the City of Folsom Police Department of Folsom Citizen's Assisting Public Safety (CAPS) program.

Explorer Post members shall not be compensated by the Police Department in any way for their participation in the Exploring Program.

### **350.4 EXPLORER POST COORDINATOR/SENIOR POST ADVISOR**

The Chief of Police or his/her designee shall select an Explorer Post Coordinator. The Coordinator shall be responsible to:

- Oversee all operations of the Explorer Program
- Liaison with Learning-For-Life and all outside organizations related to Police Exploring
- Ensure that all required charters, insurance, waivers, and other related information are current and on file
- Oversee the processing of applicants, including the screening and background process
- Schedule and oversee Explorer meetings, training programs, detail staffing, and activities
- Schedule and chair frequent Explorer Advisor meetings
- Maintain records to track the training and performance of individual explorers
- Make Explorer assignments throughout the Police Department
- Review all decisions affecting the Explorer assignments, status, education requirements, and performance evaluations
- Maintain Explorer Post banking and equipment records and prepare reports for the Chief of Police or his/her designee, as needed
- Oversee the planning of all Explorer Post field trips and events held outside the Police Department.

#### **350.4.1 EXPLORER POST ADVISORS**

The Explorer Post Coordinator may select individual members of the Police Department, or approved members of the community, to serve as advisors for the Exploring program.

Advisors must be 21 years of age, or older, and shall meet the requirements for advisors, as required by the Boy Scouts of America/Learning-For-Life program. They shall be formally enrolled with the Boy Scouts of America/Learning-For-Life program at all times while serving in an Advisor capacity.



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### **350.5 ORIENTATION AND TRAINING**

Newly accepted Explorers shall receive on-going and frequent training related to all aspects of Explorer activity and Law Enforcement career training preparation. Training shall be provided under the direction of the Advisors and/or Senior Explorers. Training sessions will be scheduled by the Coordinator, or his/her designee, as needed, in order to provide on-going training for Explorers. In addition to this in-house training, all Explorers shall participate in an approved Explorer Training Academy, at the City of Folsom Police Department, within one (1) year of acceptance to the Exploring program.

All training provided to the Explorers will focus on improving their Explorer performance, as well as in their preparation to become Police Officers.

#### **350.5.1 EXPLORER UNIFORMS**

Explorers shall maintain in good condition properly fitted uniforms as specified in the Explorer Post Manual. Class of uniform worn for specific details/events shall be determined by the Explorer Post Coordinator or his/her designee.

#### **350.5.2 EXPLORER RIDE-A-LONGS**

All Explorers may participate in the Ride-A-Long program, as authorized by the Coordinator and approved by the Watch Commander. The Coordinator shall ensure that applicable signed waivers are on file with the Police Department in advance of each Ride-A-Long. Unless otherwise authorized or directed, Explorers shall wear their Class "B" uniform while participating on a Ride-A-Long.

### **350.6 TRAFFIC CONTROL BY EXPLORERS**

From time to time, Explorers may be called upon to perform traffic direction and traffic control functions at emergency scenes or at various events or incidents. Whenever an Explorer is used to direct traffic or provide traffic control functions, the following shall occur:

(A) Whenever possible, Explorers shall be under the direct supervision of a Police Department member whenever they are directing traffic off any school property or when they are on any public sidewalk, street, roadway, or highway. Exceptions to this requirement shall include Explorers directing traffic at fixed posts, marked street closures, or when the Explorer is working behind sufficiently visible traffic control signs or devices (such as flares, cones, physical barriers, etc.)

(B) Advisors and supervising employees shall monitor the activity of all Explorers performing traffic related functions, regardless of location, to ensure that they are acting safely and not unnecessarily creating a danger for themselves or the public.

(C) All Explorers directing traffic, regardless of location, time of day, or the duration of the activity, shall wear a highly visible fluorescent reflective safety vest and, during hours of darkness, shall have a flashlight or traffic control wand. These safety items shall be provided by the Police Department. Advisors and supervising employees shall ensure that an Explorer is so equipped prior to being used to direct traffic. Exceptions to this requirement shall only include situations that

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necessitate immediate action in order to prevent injury to the Explorer or others, and the additional time needed to don the safety equipment would further endanger the Explorer or others.

(D) In addition to any training received as part of any Explorer Training Academy or program attended by the Explorer, Post Advisors shall regularly provide in-service and refresher training programs to Explorers on safety control functions and practices.

# Outside Agency Assistance

## 351.1 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.

## 351.2 POLICY

It is the policy of the Folsom 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.

## 351.3 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.

### 351.3.1 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 Folsom Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

## 351.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

# Registered Offender Information

## 355.1 POLICY

It is the policy of the Folsom Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

## 355.2 REGISTRATION

The Investigation Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

### 355.2.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

## 355.3 MONITORING OF REGISTERED OFFENDERS

The Investigation Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Investigation Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Folsom Police Department personnel, including timely updates regarding new or relocated registrants.

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### **355.4 DISSEMINATION OF PUBLIC INFORMATION**

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Folsom Police Department's website. Information on sex registrants placed on the Folsom Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

#### **355.4.1 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).

#### **355.4.2 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.

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- (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

## 357.1 POLICY

The Folsom 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.

## 357.2 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Folsom official
- Arrest of a department employee or prominent Folsom official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

## 357.3 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable.

### 357.3.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Bureau Commander and the Detective Lieutenant if that division is affected.

### 357.3.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

### 357.3.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified and will then contact the appropriate accident investigator.



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### 357.3.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

### 357.3.5 MAJOR INCIDENT NOTIFICATION MATRIX

[See attachment: Major Incident Notification 100119.pdf](#)

## **357.4 COMMAND STAFF NOTIFICATION**

The on duty Watch Commander is responsible for making the appropriate notifications and shall attempt to make the notifications as soon as practical. The Watch Commander shall initiate an Executive or Command Staff text notification or request through the Communication Center that a text notification be activated as an initial method of notification.

The group notification shall consist of:

Subject: Executive Staff or Command Staff notification

Nature

Location

Circumstances

Name of Watch Commander and phone number where they can be reached

The sender of the group messaging shall ensure that the related CAD event is updated to include the results of the notification attempts.

Many of the incidents listed in 358.3 will require personal notification to be made. The Watch Commander shall make reasonable attempts to obtain as much information as possible on the incident before initiating personal notification. The Watch Commander shall initiate personal notification to the Chief of Police and the affected Division Commander by calling the home phone number first (leave a message) and then by calling their cell phone (leave a message).

# Death Investigation

## 359.1 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.

## 359.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

### 359.2.1 CORONER REQUEST

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

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

### 359.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report.

### 359.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

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#### 359.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

#### 359.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

#### 359.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

#### 359.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

# Identity Theft

## 361.1 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 the victim 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).
- (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

### 363.1 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.

### 363.2 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.

### 363.3 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
  - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
  - 1. Take the individual into physical custody for booking
  - 2. Release the individual pursuant to a Notice to Appear
  - 3. Release the individual pursuant to Penal Code § 849

#### **363.4 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

## Limited English Proficiency Services

### 367.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 367.1.1 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 Folsom 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).

### 367.2 POLICY

It is the policy of the Folsom 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.

### 367.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Bureau Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:



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- (a) Coordinating and implementing all aspects of the Folsom Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) 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.

#### **367.4 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:

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- (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.

### **367.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Folsom Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

### **367.6 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.

### **367.7 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.

### **367.8 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.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

### **367.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **367.9.1 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 City 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.

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### **367.9.2 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.

### **367.10 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.

### **367.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Folsom 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.

#### **367.11.1 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 the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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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.

### **367.12 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.

### **367.13 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.

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### **367.14 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.

### **367.15 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.

### **367.16 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.

### **367.17 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.

### **367.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Officer shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training periodically. The Training Officer shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

# Communications with Persons with Disabilities

## 369.1 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.

### 369.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

## 369.2 POLICY

It is the policy of the Folsom 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.

## 369.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Bureau Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Folsom Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.



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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
  - 1. Contact information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

### **369.4 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.

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### **369.5 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 Folsom 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.

### **369.6 TYPES OF ASSISTANCE AVAILABLE**

Folsom 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.

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **369.7 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.

#### **369.8 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).

#### **369.9 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.

### **369.10 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.

### **369.11 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.

### **369.12 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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### **369.13 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.

#### **369.13.1 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.

### **369.14 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.

### **369.15 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.

### **369.16 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.

### **369.17 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*

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### **369.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Officer shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training periodically. The Training Officer shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### **369.18.1 CALL-TAKER TRAINING**

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

# Mandatory Employer Notification

## 371.1 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.

## 371.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

### 371.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

### 371.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

### 371.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).



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### **371.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR**

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

### **371.3 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).

# Chaplains

## 374.1 PURPOSE AND SCOPE

The Folsom Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

## 374.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

## 374.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Department.
- (c) By providing counseling, spiritual guidance and insight for department personnel and their families.
- (d) By being alert to the spiritual and emotional needs of department personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

## 374.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Possess a valid California Drivers License.

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### 374.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application.
- (b) Interview with Chief of Police & Chaplain Supervisor.
- (c) Successfully complete an appropriate level background investigation.

### 374.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident, when requested.
- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the Department's mission.
- (g) Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.
- (h) Counseling officers and other personnel with personal problems, when requested.
- (i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Being responsible for the organization and development of spiritual organizations in the Department.
- (k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (l) Providing liaison with various religious leaders of the community.
- (m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
- (n) Participating in in-service training classes.
- (o) Willing to train to enhance effectiveness.

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- (p) Promptly facilitating requests for representatives or ministers of various denominations.
- (q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty.

### **374.7 CLERGY-PENITENT CONFIDENTIALITY**

No person who provides chaplain services to members of the department may work or volunteer for the Folsom Police Department in any capacity other than that of chaplain.

No chaplain shall provide counsel to or receive confidential communications from any Folsom Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

### **374.8 COMMAND STRUCTURE**

- (a) Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the Senior Chaplain and/or Watch Commander.
- (b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.
- (c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Chaplain Commander.
- (d) The Senior Chaplain will maintain records on all activities of the Chaplain Unit.
- (e) The Senior Chaplain will maintain membership in good standing with the International Conference of Police Chaplains (ICPC).

### **374.9 OPERATIONAL GUIDELINES**

- (a) Chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Folsom Police Department personnel a minimum of eight hours per month.
- (c) Chaplains shall be permitted to ride with officers during any shift and observe Folsom Police Department operations, provided the Watch Commander has been notified and approved of the activity.
- (d) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (e) In responding to incidents, a chaplain shall never function as an officer.

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- (f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (g) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

#### 374.9.1 UNIFORMS AND BADGES

A distinct uniform and necessary safety equipment will be provided for the Chaplains.

# Child and Dependent Adult Safety

## 378.1 PURPOSE AND SCOPE

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

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

## 378.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Folsom 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.

## 378.3 PROCEDURES DURING AN ARREST

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

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

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

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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### 378.3.1 AFTER AN ARREST

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

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

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

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

### 378.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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

### **378.4 DEPENDENT WELFARE SERVICES**

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

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

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

### **378.5 TRAINING**

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



## Service Animals

### 380.1 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).

#### 380.1.1 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)).

### 380.2 POLICY

It is the policy of the Folsom 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.

### 380.3 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.
- 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

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### **380.4 MEMBER RESPONSIBILITIES**

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

#### **380.4.1 INQUIRY**

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

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

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

#### **380.4.2 CONTACT**

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

#### **380.4.3 REMOVAL**

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

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

#### **380.4.4 COMPLAINTS**

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service

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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

## 382.1 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.

### 382.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

## 382.2 VOLUNTEER MANAGEMENT

### 382.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief of Police. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.
- (k) Facilitating the coordination of the Citizens' Academy.

#### 382.2.2 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.

#### 382.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References
- (d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

#### 382.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

#### 382.2.5 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.

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

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.

#### 382.2.6 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.

#### 382.2.7 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.

#### 382.2.8 REQUESTS FOR VOLUNTEER SERVICES

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the

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recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

Volunteers may be utilized for governmental sponsored events or as approved by the Chief of Police.

### **382.3 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.

### **382.4 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.

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### **382.5 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.

#### **382.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

#### **382.5.2 RADIO AND MDT USAGE**

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

### **382.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or Support Services Division Commander. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### **382.6.1 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.



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#### **382.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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## Off-Duty Law Enforcement Actions

### 384.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Folsom Police Department with respect to taking law enforcement action while off-duty.

### 384.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

### 384.3 FIREARMS

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

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

### 384.4 DECISION TO INTERVENE

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

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.

## *Off-Duty Law Enforcement Actions*

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

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

### **384.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Folsom Police Department officer until acknowledged. Official identification should also be displayed.

### **384.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

### **384.4.3 CIVILIAN RESPONSIBILITIES**

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

### **384.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

## **384.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. A report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

# Folsom State Prison Notification Protocol

## 388.1 PURPOSE AND SCOPE

The following protocol is to provide guidance in notifying the community, command staff, and media when an incident occurs at Folsom State Prison and the Folsom Police Department has been notified of such an event that may directly or in-directly have an effect on the Folsom Community or Police Department.

## 388.2 PROCEDURE

### 388.2.1 DISPATCH

Upon dispatch being notified of an incident at either of the prisons, Old Folsom or CSP Sacramento, dispatch shall:

- Notify the Watch Commander immediately
- Obtain a direct telephone number for a point of contact
- **In Progress** - If the call is 'in-progress', dispatch shall take appropriate action and as soon as practical, address the above bullet points

### 388.2.2 WATCH COMMANDER

The Watch Commander shall:

- Make contact with the 'Point of Contact' person at the prison
- Conduct a 'needs assessment' based on the type of incident being reported by the Prison, including incarcerating offenses and criminal background
- Determine resources the Police Department may be able to provide as assistance (ie: specialized equipment, SWAT, Canine, SIU, Reverse911, etc)
- Notify the Division Commander, or if unavailable, notify any Command Staff member, and assume Division Commander responsibilities until relieved
- Obtain a telephone number from the Prison that can be disseminated to the general public for information on the incident
- Conduct a 'threat assessment' of the community

### Incident specific Response Procedures:

- If the incident involves an escape, determine location of the incident in relation to schools for lock-downs, perimeters, etc
- If Domestic Violence at the Prison - two unit minimum response. Officers will not relinquish weapons to enter grounds to handle the call. Parties are to be escorted out the front gates for police contact and handling of call

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### *Folsom State Prison Notification Protocol*

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- If other type of call for service, gun retention remains the same, as well as handling of calls outside prison gates
- Collisions occurring on the State Prison property, outside the prison gates, will be handled by the Folsom Police Department as a courtesy at their request

#### 388.2.3 DIVISION COMMANDER

The Division Commander shall:

- Determine if additional resources need to be identified, such as 'call-out' of additional personnel, PIO, etc.
- Notify Command Staff.
- The Chief of Police will determine whether further notifications shall be made to the City Manager and/or elected officials. The Chief of Police will either personally make these notifications or direct a Division Commander to do so
- Monitor incident and update threat assessment as needed

#### 388.2.4 MEDIA

Any media issues shall be referred to the Prison PIO, or to the Folsom PD PIO if assigned to incident for a coordinated and joint response.

# Gun Violence Restraining Orders

## 389.1 PURPOSE AND SCOPE

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

### 389.1.1 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).

## 389.2 POLICY

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

## 389.3 GUN VIOLENCE RESTRAINING ORDERS

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

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

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

### 389.3.1 ADDITIONAL CONSIDERATIONS

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

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

## *Gun Violence Restraining Orders*

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

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

### **389.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS**

An officer serving any gun violence restraining order shall:

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

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

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

#### **389.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS**

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

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

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### **389.5 SEARCH WARRANTS**

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

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

### **389.6 RECORDS SUPERVISOR RESPONSIBILITIES**

The Records Supervisor is responsible for ensuring:

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



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### **389.7 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.

### **389.8 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.

### **389.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**

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

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

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

### **389.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

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

### **389.11 POLICY AVAILABILITY**

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

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### *Gun Violence Restraining Orders*

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#### **389.12 TRAINING**

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

# Native American Graves Protection and Repatriation

## 390.1 PURPOSE AND SCOPE

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

### 390.1.1 DEFINITIONS

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

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

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

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

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

## 390.2 POLICY

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

## 390.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

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

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

## *Native American Graves Protection and Repatriation*

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

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

### **390.4 EVIDENCE AND PROPERTY**

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

# Unmanned Aerial System (UAS) Operations

## 391.1 PURPOSE AND SCOPE

The Folsom Police Department Unmanned Aircraft System (UAS) will be used to assist first responders in enhancing public safety and increasing the efficiency of search and rescue operations. The UAS can support first responders in situation which would benefit from an aerial perspective and enable responders to detect dangers that could otherwise not be seen. The UAS will utilize a high definition camera and/or FLIR system too provide real time situational awareness. The ability to provide this aerial view will enhance officer safety without placing additional responders at risk while increasing public safety and aid in the safe apprehension of suspects. The purpose of this policy is to define department guidelines and deployment while adhering to the current FAA regulations that govern UAS usage.

### 391.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)**-An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV), and all the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

**Federal Aviation Administration (FAA)**-The national aviation authority of the United States, with powers to regulate all aspects of American aviation.

**Certificate of Authorization**-An authorization issued by the FAA to a public operator which grants permission to fly within specific boundaries and perimeters.

**Digital Multimedia Evidence (DME)**-Digital recording of images, sounds, and associated data (Note: UAS general do not record audio).

**Control Station (CS)**-An interface used by the remote pilot in command (PIC) or the person manipulating the controls to direct the flight path of the UAS. AKA: Radio Controller/Transmitter.

**Person Manipulating the Controls**-A person other than the PIC who is controlling the flight of hte UAS under the supervision of the remote PIC.

**Remote Pilot in Command (Remote PIC or Remote Pilot)**- A person who holds a remote pilot certificate with an UAS rating and has the final authority and responsibility for the operation and safety of the UAS operation conducted under FAA Regulations Part 107.

**Visual Observer ((VO)**-A person acting as a flight crew member who assists the UAS Remote PIC and the person manipulating the controls to see and avoid other air traffic or objects aloft or or on the ground.

**Small Unmanned Aircraft-(sUA)**-A UA weighing less that 55 pounds, including everything that is onboard or otherwise attached to the aircraft, and can be flown without the possibility of direct

## *Unmanned Aerial System (UAS) Operations*

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human intervention from within or on the aircraft. The Folsom Police Department only operates sUA.

**Unmanned Aircraft (UA)**-Any aircraft operated without the possibility of direct human intervention from within or on the aircraft.

### **391.2 POLICY**

Unmanned Aerial Systems (UAS) are used to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration regulations.

### **391.3 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, enclosure). Operators and observers shall take a 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.

### **391.4 PROGRAM COORDINATOR**

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current
- 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 the use of the UAS.
- Maintaining the uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during the ongoing or emerging incidents. Deployment of a UAS shall follow guidelines set forth in the Operations Procedures.
- Developing protocol for conducting criminal investigations involving a UAs, including documentation of time spent monitoring a subject.
- Implementing and preserving a system for public notification of a UAS deployment.
- Developing and maintaining 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 and overseeing a protocol for fully documenting all missions.

## *Unmanned Aerial System (UAS) Operations*

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- 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 and preserving 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, and 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.
- Facilitating access to images and data captured by the UAS.
- Recommending programs enhancements.
- Ensuring protocols are followed.
- Provide semi-annual program reports to the Chief of Police.

### **391.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

All UAS operations will be conducted under the FAA Regulations, part 107, unless a COA is obtained and otherwise specifies conditions for operation.

Request to deploy the UAS shall be approved by the on-duty Watch Commander or supervisor on the scene.

The following is a partial list of capable missions in which the UAS could be utilized:

- Law Enforcement support (i.e. searches for an outstanding suspect, article search, public safety hazard, large event security, VIP security support).
- Public safety and life preservation missions including barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous and/or fleeing violent suspects, and high-risk search warrant service.
- Forensic photography and crime scene investigations.
- Traffic collision investigations and reconstruction.
- Public safety and life preservation missions such as search and rescue operations.
- Land surveys for illegal encampments.
- Emergency or disaster response and management.
- Chemical, biological, radiological, nuclear, and explosive (CBRNE) incident.
- Explosive Ordnance Disposal (EOD) missions.



## *Unmanned Aerial System (UAS) Operations*

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- In response to specific requests from local, state, or federal law enforcement and/or fire authorities for enforcement actions or preventative measures to protect life and property.
- Perimeter searches.
- Enhance Situational Awareness.
- Use pursuant to search warrants.
- Routine Training.
- Demonstrations of the UAS for the purposes of educating the public.
- When there is probable cause to believe that (1) the UAS will record images of a person, place, thing, condition, or event; and (2) that those images would be relevant in proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony and use of the UAS does not infringe upon the reasonable expectation of privacy.

1. Tactical Application: When small Unmanned Aerial Systems are used for tactical situations it is highly recommended that Targets be positively identified and specific goals articulated before the deployment of the UAS. Operations around or concerning peaceful constitutionally protected activities shall not be recorded. Note: "Positively identified" means that is a reasonable suspicion to believe the individual in question is involved in criminal activity or there is a crime in progress.

2. Evidence Collection: When approved by a field supervisor, a UAS may be used to assist in may be used to assist in evidentiary collection. This collection would mirror all laws and policy regarding evidence collection. Such collection would include but not be limited to, traffic scene documentation and crime scene documentation.

3. Strategic Planning: A UAS may be used in strategic planning in the event of pre-planned operations. All strategic planning shall comply with federal, state and local laws and not infringe on the constitutional rights of citizens.

4. Mutual Aid Requests: All mutual aid requests shall be approved by a field supervisor and comply with all policies and procedures.

5. Strategic Application: A UAS generally should not be used in a strategic manner to identify unreported criminal activity or develop leads to unreported criminal activity. A UAS shall not be used to circumvent the search warrant process. A UAS may be used as a mobile video camera for large pre-planned events. The use must be in accordance with FAA Part 107 and applicable waivers or a filed and approved COA. Examples would be, but not limited to, a live feed of highly populated events to assist in the coordination of ground assets, monitor the bar district during peak hours, and ensure safety for the participants and spectators during City-organized events.

6. Search Warrant Exemption: A UAS may be used when specifically requested within a search warrant and duly granted by a magistrate. The use and parameters of the UAS must be identified within the warrant.

## *Unmanned Aerial System (UAS) Operations*

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### 391.5.1 NOTIFICATION

- **Non-Participating Public;** Except in instances in which officer safety could be jeopardized, prior to commencement of UAS operations, the Remote PIC will ensure that a Public Address announcement from a Public Address system on a patrol vehicle, reverse 911, Everbridge, Nixle, and/or social media to is made in order to alert the non-participating public in the area of the UAS operation. The Public Address should advise that a UAS will be used and that the public should stay inside their residences or vehicles.
- **In Controlled Airspace:** The Remote PIC will notify the airport tower controller of the UAS operations and obtain permission to operate in the area.
- **In Uncontrolled Airspace:** The Remote PIC can publish a Notice to Airmen (NOTAM).

### 391.6 DEPLOYMENT CONSIDERATIONS

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.

The UAS shall be configured to be readily identifiable by the public by the appropriate use of markings.

Each deployment of the UAS shall be properly documented. Such documentation shall include, at a minimum, the date, operators(s), location, flight time, and purpose of the deployment.

Training and demonstration flights of the UAS shall be conducted over areas under Department control or a public use area.

### 391.7 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.

## *Unmanned Aerial System (UAS) Operations*

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- To monitor activities protected by the First Amendment or the lawful exercise of other rights secured by the constitution and the laws of the United States.
- The UAS shall not be weaponized, nor armed with any projectiles, aerosols, jammers, laser, or sonic devices.

### **391.8 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule and in accordance with FPD policy 441.

Any video or audio data collected by a UAS in the course of a flight which is not relevant to a criminal investigation or to emergency management or mapping purpose shall be destroyed within seventy-two hours of the termination of the flight in which they were collected. Flight data to include but not limited to: GPS, speed, altitude, and path traveled with be retained as flight logs, either electronically or in print format.

### **391.9 STATISTICS**

Monthly statistics should be submitted to the program manager for review each month. These reports should include:

- Number of flights
- Personnel involved
- Total time the UAS was used
- Maintenance that was completed on the UAS
- The number of flights which resulted in the collection of data which was retained
- Any additional relevant information regarding missions that were performed

### **391.10 SYSTEM REQUIREMENTS/MAINTENANCE**

The UAS will be purchased and maintained by the Folsom Police Department.

Only UAS Systems authorized by the Folsom Police Department should be deployed.

The UAS shall be maintained regularly per the user manual and company's recommendations. Only properly trained officers shall complete any repairs or perform maintenance on the UAS.

## **Chapter 4 - Patrol Operations**

## Bias-Based Policing

### 400.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Folsom Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 400.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

### 400.2 POLICY

The Folsom Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 400.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 400.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

## *Bias-Based Policing*

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### **400.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### **400.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

### **400.5 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

### **400.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Professional Standards Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Unit Policy.

# Beat Responsibilities

## 401.1 PURPOSE AND SCOPE

The purpose of this order is to establish a uniform policy in implementing beat officer responsibilities.

## 401.2 BEAT RESPONSIBILITIES

Officers are assigned to a beat at the beginning of their watch. That officer has responsibility for handling calls for service in his/her beat.

Patrol and/or Traffic Officers who are assigned to a beat are expected to remain in that beat during their shift period.

Proactive patrol within a geographical area is a proven crime deterrence. Officers will become more familiar with the area and its' citizens within this beat. They will be better suited to judge individuals or circumstances that are out of place to the region.

As with most jurisdictions, that involve large geographical areas or populations, designating beats allows for better control of law enforcement resources. As growth within the City of Folsom continues to advance, so does the need to structure our resources to enable rapid response to areas of critical need. Commercial establishments on our outlying boundaries and ever increasing traffic gridlock require enhanced beat integrity.

## 401.3 DEFINITIONS

### 401.3.1 PRIMARY

- (a) The assignment of a designated beat to an officer does not preclude the assigning of any other officers to handle for service in that beat.
- (b) If the assigned beat officer is on another detail, relieved of that responsibility by the watch commander (due to backed up reports), necessity of response by specially assigned units (K9 or motors), or otherwise unavailable, another officer shall be assigned to handle the call for service in the beat officers area of responsibility.
- (c) The Folsom Police Dispatcher shall assign the primary unit for each call for service. The dispatcher shall also assign a cover officer, if applicable.
- (d) These will be the assigned units of record, subject to modification by the Watch Commander.
- (e) The "jumping of calls", wherein radio transmissions between units vying for already dispatched calls, are discouraged. Air time may be of vital to other officers in the field.

### 401.3.2 COVER OFFICER

Dispatch will assign a cover unit on any calls for service that common sense dictates multiple unit response.

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### *Beat Responsibilities*

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#### 401.3.3 AVAILABILITY

Officers assigned to a beat are expected to remain within this beat. Officers shall only respond to other areas when requested by dispatch or a supervisor.

Officers are not restricted to their assigned beat during Code 7 or breaks. Officers shall inform dispatch, or a supervisor, when such absence is required so as to allow for substitute coverage.



## Briefing Training

### 402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

### 402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

## Crime and Disaster Scene Integrity

### 403.1 BOARD UPS

Officers on the scene of a structure that is incapable of being properly secured shall attempt to locate a responsible party for the location. If a responsible is located, they shall be advised of the situation and afforded the opportunity to have a board up company respond and secure the structure. Officers shall advise the responsible party that the police department *will not* pay for the board up procedure. If requested by the responsible party, via dispatch, the officer may provide the responsible party with a list of potential board up companies. The responsible party is not required to utilize any of the provided companies, and may seek out their own. The responsible party will make their own arrangements with any board up company for securing the property.

In cases where a responsible party cannot be contacted, the officer shall call for a board up company through dispatch and remain on scene until the board up company arrives. The officer shall notify his/her supervisor in this case so the information can be forwarded to the appropriate Division Commander for billing purposes.

In all cases, officer(s) shall remain on scene until the structure is re-secured unless one of the following conditions apply:

- (a) The responsible agreed to have a third party stand by until the structure could be secured.
- (b) A Police CAPS volunteer or other police/fire personnel relieve the officer.
- (c) The responsible party does not want anyone to stand by and/or they request the property not be re-secured.
- (d) The officer cannot stand by due to staffing levels and priority calls for service. In this situation the officer shall obtain supervisor approval before leaving the structure unsecured.

### 403.2 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.

### 403.3 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:

## *Crime and Disaster Scene Integrity*

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- (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.

### **403.4 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.

#### **403.4.1 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.

### **403.5 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).

# Tactical Operations team

## 404.1 PURPOSE AND SCOPE

The purpose of this order is to outline the procedures and responsibilities of the Tactical Operations Team, which consists of the special weapons and tactics team, the Critical Incident Negotiations Team, and the Tactical Dispatch Team. The various assignments associated with the Tactical Operations Team are at will positions.

### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

A Special Weapons and Tactics Team is a designated group of law enforcement officers who are selected, trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units. The position is a collateral duty assignment.

The mission of the SWAT team is to fulfill the need of the Folsom Police Department to provide a highly trained, specially equipped, flexible unit to respond to emergency situations without disrupting the normal operations of the department. The role of SWAT is to resolve hazardous situations by using time, teamwork, specialized equipment and effective tactics.

Supervisors should consider calling out the SWAT team for any situation involving increased risk of harm. SWAT will generally be used for situations such as barricaded suspects or when a suspect takes a person hostage.

Through periodic needs assessments, the SWAT team will determine the type and extent of missions and operations appropriate to the agency. These may include but are not limited to:

- High risk arrest and search warrants
- Contain and callout operations
- Barricaded subjects
- Active shooters
- Hostage rescue
- Linear assaults
- Executive and dignitary protection/security operations
- Response to WMD and terrorists incidents
- Counterterrorism/counter sniper operations
- Mobile suspect interdictions/vehicle takedowns
- High risk open area searches Rescues/officer down/evacuations
- Suicide intervention
- Covert surveillance

## *Tactical Operations team*

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- SWAT/K9 integration (SKIDDS)
- Specialty tactics
- Less than lethal capabilities
- Covert investigative operations

Directed enforcement operations targeting patterns of violence

### 404.1.2 SWAT TEAM DEFINED

The SWAT team recognizes that certain missions or simultaneous operations may exceed the capabilities of a particular team and may require resources from other local, state and federal agencies. Operations that are protracted or require specialized functions, tactics, or resources may require a collaborative response from multiple agencies.

The Folsom Police Department is committed and prepared to provide specialized training, equipment, and/or personnel as part of a coordinated regional response. These resources may include the following:

- Armored Rescue Vehicles
- Chemical, Biological, Radiological, Nuclear or Explosive Response (CBRNE)
- Hostage Situations/Rescue
- Critical Incident Negotiators (CINT)
- Covert Surveillance
- Personnel Augmentation
- Investigative Support

### 404.1.3 TEAM ORGANIZATION AND DUTIES

The SWAT team is comprised of a Tactical Commander, a Team Leader, a Precision Rifle Team Leader, one or two Assistant Team Leaders, and operators.

- (a) Tactical Commander (Commander or Lieutenant)
  1. Maintains operational control of the tactical team and support personnel during deployments (SWAT/CINT/ K9)
  2. Acts as a liaison between the tactical team and the Incident Commander
  3. Provides tactical advise to the Incident Commander regarding the teams capabilities and limitations
  4. Reviews and authorizes requests for service/deployment
  5. Assumes overall responsibility for the unit's operations
- (b) Team Leader (Sergeant)

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1. May assume responsibility for the Tactical Commander in his/her absence
  2. Supervises the unit and directs tactical deployments
  3. Develops tactical plan to resolve critical incidents and operations
  4. Acts as a liaison between the Tactical Commander and deployed resources
  5. Identifies and prioritizes training needs and schedule
  6. Ensures operational preparedness
  7. Documents training and deployments of the SWAT team
- (c) Precision Rifle Team Leader (Sergeant or Officer)
1. May assume responsibility for the Tactical Commander in his/her absence
  2. Supervises the precision rifle team and makes recommendations to the team leader for tactical deployments
  3. Develops tactical plan to resolve critical incidents and operations
  4. Identifies and prioritizes the precision rifle team's training needs and schedule
  5. Ensures operational preparedness of the sniper team
  6. Documents training and deployments of the sniper team
- (d) Assistant Team Leader (Sergeant or Officer)
1. Generally a senior member of the team if the position is occupied by an officer
  2. Assumes responsibility for the Team Leader in his/her absence
  3. Assists the team leader as directed
- (e) Operator (Officer or Sergeant)
1. Be immediately available upon callout
  2. Masters individual SWAT core competencies
  3. Masters team movement and tactics
  4. Cares for and maintains issued equipment and weapons
  5. Maintains mandatory physical fitness requirements
  6. Participates in ongoing training
- (f) Precision Long Rifle/Observer Team (Officer or Sergeant)
1. Provide long range and intermediate defense
  2. Gather intelligence and conduct scouting missions
  3. Counter sniper defense

## *Tactical Operations team*

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4. Participate in supplemental rifle training
5. Maintain all the responsibilities of an operator

### 404.1.4 PERSONNEL SELECTION AND RETENTION

#### (a) Selection:

1. Testing processes and minimum qualifications including physical and oral assessments will be set by the Tactical Commander and approved by the Division Commander. The process and minimum qualifications will be based on specific and general job requirements, and may be modified annually.
2. The process of selection is the first and most important step in forming a tactical team. The desirable traits and qualities for selection are discipline, initiative, motivation, ability to operate as a team member, and ability to think clearly, remain in control, and follow directions in stressful situations.
3. All candidates must have 24 months of sworn field enforcement experience. Lateral experience may be applied to this 24 month period, but officers assigned to the team must have completed probation at the time of appointment.
4. All candidates must pass an initial physical fitness assessment.
5. All candidates must pass a firearms proficiency course.
6. All candidates must participate in an oral assessment interview.
7. Upon selection, candidate(s) must successfully complete a POST Basic SWAT Course (80 hours) and other core courses as assigned.

#### (b) Retention:

1. SWAT members should attend 24 hours of SWAT update or refresher training every 24 months.
2. All officers must pass the annual physical fitness assessment.
3. All officers must meet individual and team core competencies as determined by the type and extent of missions and operations performed.
4. All officers must maintain department qualifications for issued weapons.
5. All officers must attend scheduled training dates unless the absence is approved in advance by the team commander or team leaders.
6. Repeated absences from scheduled training, failure to meet core competencies, and/or failure to meet physical fitness requirements may be cause for removal from the team.
7. Removal of a team member is subject to the approval of the Operations Division Commander.

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### 404.1.5 TRAINING AND EQUIPMENT

The Team Leaders will develop an annual training plan based upon a training needs assessment and the types of missions and operations performed. Officers will participate in 20 hours of documented and verifiable training each month. The training will reinforce core competencies and fall within three general categories:

- Weapons, munitions and equipment training
- Individual and team movement and tactics
- Decision making

When appropriate, ICS/SEMS/NIMS principles will be used in SWAT training exercises and documented as part of the training records retention.

- (a) Team Leaders shall attend a POST certified SWAT Team Leaders Course.
- (b) Tactical Commanders shall attend a POST certified SWAT Commander or Tactical Commander Course.
- (c) SWAT operators will participate in scenario-based training that simulates operational environments.
- (d) Individual and Team training will be documented and the records maintained by the Training Unit.
- (e) All issued equipment will be kept in a secure location and will not be left unattended.

### 404.1.6 ACTIVATION AND DEPLOYMENT

The SWAT team may be requested by any bureau supervisor, or by a patrol Watch Commander or their designee.

Spontaneous events that require the use of the SWAT team may include: Barricaded suspects (felony want), hostage rescues, active shooters, high risk open area searches, building searches or rescue operations.

Activation of the SWAT team may be accomplished by contacting the communications center. SWAT members and support personnel, including the Critical Incident Negotiations Team and Tactical Dispatchers, will be dispatched to the Command Post via an alpha-numeric group paging system and/or the reverse 911 system.

Planned operations which involve armed suspects, or pose substantial risk to officer or public safety, may be referred to the SWAT team for assistance. Requests for service will be reviewed and approved by the Division Captain or SWAT Tactical Commander based upon a high risk operations threat assessment. Situations which warrant the use of a tactical team may include:

- (a) Suspect(s) believed to possess a firearm, assault weapon, automatic weapons, body armor or explosives.
- (b) Target location is fortified, has surveillance devices or is protected by guard dogs.



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- (c) Suspect(s) have violent criminal history, are wanted for armed assault on a peace officer, or have made specific threats against officers.
- (d) A violent confrontation is likely or imminent.

Investigators and supervisors are encouraged to contact the SWAT Tactical Commander with any questions regarding service options or deployment criteria.

### **404.2 LEVELS OF CAPABILITY/TRAINING**

In keeping with the primary mission of the department, the Critical Incident Negotiations Team (CINT) is a key element of the Tactical Operations Team and is a resource to the Tactical Commander, which offers trained negotiators in situations where dialogue might avert a violent confrontation resulting in death or great bodily injury.

The CINT Team is committed to the objectives as described below, and works in cooperation with all other tactical support units. The CINT Team Leader will be responsible for determining what procedure or strategy should be employed to accomplish the mission.

#### **404.2.1 LEVEL I**

Once a suspect(s) has been contained, and/or is in the position to be safely communicated with, the CINT Team Leader will obtain permission from the Tactical Commander to attempt dialogue with the suspect. The objectives of the Critical Incident Negotiations Team are to assist the Tactical Commander with implementing the Departments goals at critical Incidents. This effort may include:

- Initiate communications with the suspect(s)
- Negotiate the safest possible resolution
- Attempt to have the suspect(s) surrender
- Attempt to establish a rapport with the suspect(s)
- Attempt to persuade the suspect(s) to release hostage(s) and/or relinquish their weapon(s)
- Continually provide the SWAT Commander with intelligence updates
- Assist the Tactical Commander in the event of a tactical resolution.

#### **404.2.2 LEVEL II**

The CINT team is comprised of sworn members who serve on the unit as an adjunct responsibility to their regular full time assignments. The CINT team membership is open to sworn officers and detectives. Sergeants may also be eligible for the position to fill a vacant team leader position, or at the discretion of the Operations Captain. At the discretion of the Tactical Commander, CINT has the ability to attach Reserve Officers and retain Managers, who were prior members, as auxiliary team members for activation as appropriate.

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Membership on CINT will not be open to members of SWAT, or K-9 due to conflicts of interest. CINT team members who are on call out status from their primary assignment will prioritize attendance when activated for critical incidents.

The CINT team leader will be appointed by the Tactical Commander with final approval resting with the Division Commander.

Members of CINT will attend 4 to 10 hours of in-house training per month and a POST certified Basic Negotiations course during their first year on the team. Attendance at the annual California Association of Hostage Negotiators is encouraged.

#### 404.2.3 LEVEL III

During the operation of critical incidents, such as; suicidal subject(s), barricaded subject(s), hostage-taking, terrorist suspect(s) or other critical events, The City of Folsom Police Department recognizes the general procedures listed as standard operating guidelines:

The CINT Team Leader will be available to the Incident and Tactical Commanders.

The SWAT Tactical Commander will be in command of the Critical Incident Negotiations Team unless otherwise designated. The commander will assist and consider the following:

- (a) The CINT Team command post will be located in close proximity to the main Incident Command Post.
- (b) Provide privacy for the negotiators
- (c) Only the C.I.N.T. Team members are in the negotiations command post/operational center.
- (d) Have the suspect(s) contained prior to negotiations
- (e) Face to face negotiations with armed suspect(s) will be highly discouraged and the SWAT Commander must approve such action
- (f) The optimal method of communicating will be via hard-line telephone. When these options are not available or practical, the CINT Team Leader may utilize a "throw phone, or cellular telephone or use any method to communicate with parties involved
- (g) With the permission of the Tactical Commander, the CINT Team Leader may direct the diverting or isolating the telephone service to the suspect location
- (h) Remove the ability of the suspect(s) to communicate with the media and /or to disrupt the monitoring of television, radio or any other device deemed counterproductive to the negotiations process
- (i) During the course of the incident, the CINT Team will keep and maintain a chronological log of events; this will include written logs as well as tape recording for evidentiary and training purposes

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- (j) Bargaining with the suspect will be considered acceptable; however, at no time will the Negotiations Team bargain or provide the suspect(s) with weapons, ammunition, drugs, narcotics or any item that may impair the suspect(s)
- (k) Negotiators should obtain a clear definition of the personal demands and grievances of the suspect(s)
- (l) Negotiators should attempt to obtain tactically significant information from and about the suspect(s), the locations and any other information that will assist the Tactical Commander.

### **404.3 POLICY**

The testing process will be consistent with FPPM 1027. The qualifying officers will be selected from the current eligibility list. The prospective member shall have no discipline pending and meet minimum qualifications set by the SWAT Commander. Team members will be required to complete mandatory training and monthly training schedules. The CINT Team Leader is responsible for scheduling and documenting training.

#### **404.3.1 POLICY CONSIDERATIONS**

Team members will respond immediately to the designated command post and meet with the CINT Team Leader for assignment and briefing of the situation. The CINT Team Leader will brief the Tactical Commander on the availability of the team members.

#### **404.3.2 ORGANIZATIONAL PROCEDURES**

All personnel and administrative duties involving CINT will rest solely upon the SWAT Tactical Commander.

### **404.4 TRAINING NEEDS ASSESSMENT**

Tactical dispatchers may be dispatched as part of the Tactical Operations Team as outlined in FPPM 802.

#### **404.4.1 SWAT ONGOING TRAINING**

Training shall be coordinated by the CRU Sergeant. The CRU Sergeant may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

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- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Range Sergeant who has been approved by the CRU Sergeant. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

## Ride-Along Policy

### 405.1 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.

#### 405.1.1 ELIGIBILITY

The Folsom Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

#### 405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Bureau Commander, or Watch Commander.

### 405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Professional Standards 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 Professional Standards Sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

#### 405.2.1 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: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

#### **405.2.2 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.

#### **405.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### **405.2.4 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 Folsom Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

#### **405.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the officer.

#### **405.4 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

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- (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

## 406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

### 406.1.1 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.

## 406.2 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).

## 406.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.



### *Hazardous Material Response*

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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.

#### 406.3.1 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.

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# Electronic Tracking System

## 407.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures and responsibilities related to the Electronic Tracking System.

### 407.1.1 GENERAL

The Electronic Tracking System (ETS) has been implemented within patrol services and the communications bureau in order to promote rapid arrests, the recovery of property and officer safety. The primary components of the system include transmitters which are attached to targeted property, remote detectors which advise the communications center when and generally where these devices are activated and Mobile Tracking Devices which allow patrol officers to track and specifically locate this property. Major requirements necessary for the ETS to be effective include confidentiality, adequate training of personnel and appropriate deployment of mobile trackers.

### 407.1.2 CONFIDENTIALITY

In order to maximize system confidentiality, officers should never tell a suspect how he was located or discuss the ETS in the presence of a suspect. Department employees are directed not to enter into a discussion with the general public regarding this system. If questions are received from the media, they should be referred to the Public Information Officer.

## 407.2 TRAINING

Prior to implementation, all patrol service personnel and Communications personnel involved with the operation of ETS shall have received comprehensive training. Future training for new personnel shall be incorporated within existing training programs.

## 407.3 DEPLOYMENT

Successful and timely apprehensions will be directly related to the adequate deployment of available Mobile Tracking Equipment. The general goal shall be to achieve the maximum deployment of equipment with the least disruption of normal operations.

## 407.4 TRACKING PROCEDURES

A successful track will involve five distinctive phases which include the alert to an activated alarm, the tracking process, notification by the victim, the apprehension and the recovery of evidence.

### 407.4.1 ALERT (SIGNAL 1000)

An ETS alarm (Signal 1000) may initially be received by a mobile tracking unit or over the ETS monitor located in communications. In some cases a mobile tracking unit may receive a Signal 1000 before communications. This is due to a 10-15 second delay built into the communications monitor to allow for brief accidental pickups by tellers or other users.

## *Electronic Tracking System*

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### 407.4.2 TRACKER UNIT ACTIONS

- (a) Upon receiving a Signal 1000, officers shall start in the direction indicated at a normal safe speed. FPPM 316 applies to all tracking activities.
- (b) After 15 seconds of a continuous signal, or as soon as communications also advises they have a Signal 1000, the tracking officer shall notify communications of the approximate location of the Signal 1000.
  - 1. Example: "B31. I have a Signal 1000 in the area of E. Bidwell and Wales." This information will allow other tracking officers to plan an intercept course.
- (c) Tracking officers, upon getting within a distance of several blocks from the Signal 1000, should stop and monitor the signal until they see it is moving or until notified by Communications that a crime has occurred and the suspect left. For calls not in-progress, officers should avoid responding immediately to the scene or being visible to the offenders. Responses to in-progress calls should be in accordance with current FPPM.
- (d) If there is sufficient delay in the movement of the signal to indicate a possible false alarm, the tracking officer should make a drive by identification of the bank or other business and request that communications make telephone contact. The officer should remain out of sight while the telephone contact is being established.

### 407.4.3 DISPATCHER ACTIONS

- (a) Signal 1000 information provided by a tracking unit shall be re-broadcast to the attention of other units in the area.
- (b) Signal 1000's which are further substantiated by the monitor in communications and/or a confirmation from a victim business shall be given the status of an "all units" broadcast and allied agencies advised of the available information.
- (c) When activated, the ETS monitor in communications will indicate visually a particular area or areas in the city which are *hot*. This information shall be broadcast to all tracker units. The initial broadcast in this situation shall be given in the following format. "Attention all tracker units. Signal1000 is hot at (specific fixed receiver location)." This information shall be broadcast and updated until the units are in a position to pickup the signal with their mobile trackers. At that time, coordination becomes the responsibility of the filed supervisors and the tracking units receiving signals.

### 407.4.4 TRACKING

The receiving of a Signal 1000 and the initiation of tracking procedures will normally occur several minutes prior to the time communications is notified by the victim. Occasionally an apprehension will occur prior to notification by the victim. Responsibilities during the tracking procedure include:

- (a) Tracker Units those units tracking a signal shall periodically update the approximate projected location of the signal.

## *Electronic Tracking System*

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- (b) Dispatcher reports any change of status on the ETS monitor and updates allied agencies. Dispatchers may be able to identify direction of travel and likely routes based on changes which occur on the ETS monitor.
- (c) Patrol Sergeant controls and coordinates the patrol response to a Signal 1000.

### 407.4.5 NOTIFICATION

When the victim contacts the communications center to report the crime, the normal preliminary information will be obtained and all units and allied agencies advised. In addition, the total number of transmitter devices taken from the victim will be determined and all units advised. This information will be particularly valuable when there are multiple suspects who may have separated. A patrol unit, preferably not a tracking unit, will be dispatched to take the crime report.

### 407.4.6 APPREHENSION

- (a) Vehicle stops, on tracked suspect(s) shall be handled as a felony stop, based on the probable cause provided by the ETS.
- (b) Suspects who have gone to ground (I.E. residence, motel, ect.) must first be contained by the establishment of a perimeter prior to continuing the search for the transmitter with a hand held device.
- (c) Officers using a hand held device shall always be accompanied by at least one cover officer.

### 407.4.7 EVIDENCE

- (a) When a transmitter tag is recovered, it shall be immediately deactivated by placing it on the magnetic plate provided with each tracking receiver. The signal will be silenced and allow the officers to determine if other transmitters are active nearby. (Note: the transmitter battery must be removed and the transmitter removed from the magnetic plate, prior to booking the transmitter into evidence)
- (b) The recovery of evidence shall be handled according to existing procedures.

### 407.4.8 MAINTENANCE

ETS components have to be handled with the same reasonable care as other electronics in order to provide good service. A trouble shooting guide will be available which will help to resolve minor problems. For malfunctions which cannot be corrected, the equipment is to be written up using existing reporting procedures.

# Hostage and Barricade Incidents

## 409.1 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.

### 409.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

## 409.2 POLICY

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages.

## 409.3 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

## *Hostage and Barricade Incidents*

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flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

### **409.3.1 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)):

- (a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

Emergency Eavesdropping Order Sample Template:

[See attachment: Emergency Eavesdropping Order.pdf](#)

Word version is in the Search Warrant Resources folder on the R drive

### **409.4 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.

#### **409.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining

## *Hostage and Barricade Incidents*

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lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

### 409.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

## *Hostage and Barricade Incidents*

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- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

### **409.5 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 Tactical Operations Team (Tactical Operations Team) response if appropriate and apprising the Tactical Operations Team Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.



## *Hostage and Barricade Incidents*

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- (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
  - 1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

### **409.6 TACTICAL OPERATIONS TEAM RESPONSIBILITIES**

The Incident Commander will decide, with input from the Tactical Operations Team Commander, whether to deploy the Tactical Operations Team during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Tactical Operations Team Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the Tactical Operations Team. The Incident Commander and the Tactical Operations Team Commander or the authorized designee shall maintain communications at all times.

### **409.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

# Response to Bomb Calls

## **411.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to assist members of the Folsom 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.

## **411.2 POLICY**

It is the policy of the Folsom Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

## **411.3 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.

## **411.4 GOVERNMENT FACILITY OR PROPERTY**

A bomb threat targeting a government facility may require a different response based on the government agency.

### **411.4.1 FOLSOM POLICE DEPARTMENT FACILITY**

If the bomb threat is against the Folsom 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.

### **411.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the Folsom 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.

## *Response to Bomb Calls*

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### **411.4.3 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.

### **411.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the City of Folsom, 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.

#### **411.5.1 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.

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.

## *Response to Bomb Calls*

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- (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.

### **411.6 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.
- (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.

## *Response to Bomb Calls*

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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.

### **411.7 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.

#### **411.7.1 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.

#### **411.7.2 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
- 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

### *Response to Bomb Calls*

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#### 411.7.3 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.

#### 411.7.4 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

## 413.1 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

### 413.1.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

### 413.1.2 HANDCUFFING

Officers have discretion to handcuff subjects who are transported in police vehicles for mental health evaluations. Officers should consider the possibility of violence or flight when making this determination and should consider the behavioral history and diagnosis of the person, if any, in assessing the risk presented by the subject and the benefit provided by handcuffing.

## 413.2 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

## *Mental Illness Commitments*

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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).

### **413.2.1 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 Investigation Division, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

### **413.3 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the



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offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

### **413.4 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.

#### **413.4.1 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).

# Tarasoff Notification

## 414.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines when a licensed psychotherapist files a Tarasoff Warning with Communications personnel. These guidelines are in place to assist a licensed psychotherapist with meeting his or her duties under Welfare & Institution codes, as well as to warn and protect potential victim(s) who may be in danger of a patient under the psychotherapist's care.

Tarasoff is the result of *Tarasoff v. Regents of the University of California* (17 Cal.3d 425[1976]), a case in which the Supreme Court of California held that mental health professionals have a duty to protect individuals who are being threatened with bodily harm by a patient.

## 414.2 REQUIREMENTS

(a) Pursuant to section 8100(b)(1) W&I Code, any person who communicates to a licensed psychotherapist, a serious threat of physical violence against a reasonably identifiable victim(s), is prohibited from possessing, having under custody or control, purchasing or receiving, or attempting to purchase or receive any firearms or other deadly weapons for six months.

(b) Pursuant to 8105(c) W&I code, licensed psychotherapists shall immediately report the identity of persons subject to this prohibition to local law enforcement.

(c) The firearms prohibition begins the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency.

## 414.3 PROCEDURE

(a) When obtaining information from the reporting psychotherapist, communications personnel shall document the following: 1. Time and date the original threat was made to the psychotherapist. 2. Whether the psychotherapist did or did not believe the threat to the victim to be credible at the time it was made. 3. Whether the psychotherapist did or did not place a W&I 5150 hold on the patient when the threat was communicated. 4. If the psychotherapist did not place a W&I 5150 hold at the time the threat was communicated, ascertain why the psychotherapist now believes the patient's threat to be credible and confirm whether the psychotherapist will be placing a W&I 5150 hold on the patient.

(b) Communications personnel who receive the initial call will ensure the patient being reported and/or the victim lives in the City of Folsom. If the patient and victim both reside outside the City of Folsom, communications personnel will direct the psychotherapist to the jurisdiction where the patient and victim live. (c) Communications personnel will create a CAD threats call for service which will include all facts surrounding the potential danger to the victim, along with other pertinent information for patrol personnel. Communications personnel will also notify the on duty patrol sergeant of the call for service.

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(d) Officers assigned to the threats call shall take a report to assist in documenting any criminal acts, suspect and victim identification, and victim notification. (e) Upon receipt of a verbal or written report from a licensed psychotherapist of a subject who falls under W&I 8100(b)(1), the local law enforcement agency must complete and submit the DOJ Firearms Prohibition report form FD 4074. This form will be completed by the On Duty Watch Commander or their designee and submitted to the Federal Department of Justice.

### **414.4 VICTIM NOTIFICATION**

Pursuant to California Civil Code 43.92 (Tarasoff Statute), it is a psychotherapist's duty to make a "reasonable effort to communicate the threat to the victim(s) and to a law enforcement agency".

The patrol officer should make all reasonable attempts to identify and notify the victim(s) of the information given by the psychotherapist. The victim(s) should be advised to take any steps the victim(s) deems necessary to protect his or her self.

Folsom Police Department may be requested by an outside law enforcement agency to notify a potential victim who may be located in the City of Folsom. When this occurs, results of the notification should be documented in the CAD system. The original requesting agency will be advised of the notification results and given the CAD event number as reference.

#### Special Relationship Disclaimer

The Folsom Police personnel making notification to the potential victim shall also advise that the Folsom Police Department *is not* offering any form of personalized protection, and also log that this disclaimer was made into the CAD event or report.

### **414.5 CONFISCATION OF FIREARMS**

Firearms may be confiscated from a patient under W&I Code 8102.

DOJ is required to notify the reported prohibited person of any firearms prohibited via certified mail.

Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Any such firearm or other deadly weapon should be confiscated in a manner consistent with current search and seizure law (Welfare and Institutions Code § 8102(a)). Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent) (Penal Code § 1524). Reference FPPM 418 - Mental Illness Commitments.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt, fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code § 12028.7).

## Cite and Release Policy

### 415.1 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.

### 415.2 POLICY

It is the policy of the Folsom Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

### 415.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

#### 415.3.1 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).

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

#### 415.3.2 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.

### 415.4 NON-RELEASE

#### 415.4.1 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):

## *Cite and Release Policy*

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- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

### 415.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
  - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

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- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
  - 1. Previous failure to appear is on record
  - 2. The person lacks ties to the area, such as a residence, job, or family
  - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Unit.

### **415.5 MISDEMEANOR WARRANTS**

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (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.

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#### **415.6 REQUESTING CASE NUMBERS**

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

# Foreign Diplomatic and Consular Representatives

## 417.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Folsom Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 417.2 POLICY

The Folsom 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.

## 417.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.



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### **417.4 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.

# Folsom Police Department

## Folsom PD Policy Manual

### *Foreign Diplomatic and Consular Representatives*

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#### **417.5 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.

#### **417.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

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

# Folsom Police Department

## Folsom PD Policy Manual

### *Foreign Diplomatic and Consular Representatives*

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<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

# Immigration Violations

## 422.1 POLICY

It is the policy of the Folsom Police Department that all members equally enforce the law and provide equal service to all persons, regardless of their national origin or immigration status. Public confidence in this policy will further increase the effectiveness of this department in protecting and serving the entire community.

## 422.2 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

## 422.3 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

### 422.3.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

### 422.3.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

## 422.4 TRAINING

The Training Officer should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

## *Immigration Violations*

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### **422.5 DETENTIONS AND ARRESTS**

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

#### **422.5.1 SUPERVISOR RESPONSIBILITIES**

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

### **422.6 FEDERAL REQUESTS FOR ASSISTANCE**

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

### **422.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records

## *Immigration Violations*

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(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

### 422.7.1 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 prison.
- (c) The individual has been convicted of an offense as identified in 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.

### 422.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Folsom Police Department intends to comply with the request (Government Code § 7283.1).

If the Folsom 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).

### 422.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Folsom 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.

## *Immigration Violations*

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### 422.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

### 422.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigation Division supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Unit Policy).

### 422.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Division supervisor assigned to oversee the handling of any related case. The Investigation Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

## *Immigration Violations*

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- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

### 422.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

### 422.8.2 REPORTING TO LEGISLATURE

The Investigation Division supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

### 422.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).



## Emergency Utility Service

### 424.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

#### 424.1.1 BROKEN WATER LINES

The City's responsibility generally ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

#### 424.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. SMUD or Public Works should be promptly notified, as appropriate.

#### 424.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

The City of Folsom Utilities Department maintains the reservoirs and public water equipment. The Public Works Department is responsible for storm drains. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible. Sewer spills should be handled in accordance with the Hazardous Materials Policy.

#### 424.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

## Patrol Rifles

### 426.1 PATROL RIFLE

For anticipated events posing a higher degree of danger, special units are trained and equipped to use more powerful weapons consistent with the anticipated threat level. The Department recognizes, however, that situations arise which require immediate access to patrol rifles in order to contain and control these events, protect citizens and protect responding officers. In recognition of this need, the intent of this order is to authorize the deployment of rifles by trained and qualified personnel.

### 426.2 SPECIFICATIONS

The Department issues the following patrol rifle: Colt AR6721 .223-caliber with Department issued .223-caliber ammunition

Officers may carry personally owned rifles subject to the following conditions;

- (a) Rifles shall be AR-15 style semi-automatic rifles capable of firing .223 caliber ammunition.
- (b) Rifles shall have a minimum trigger weight of 4.5 lbs.
- (c) Officers shall obtain initial approval from the Range Sergeant to carry his/her rifle.
- (d) Only department issued ammunition may be carried.
- (e) Officers shall bear all the expense of purchasing and maintaining the rifle, including any damage or loss.
- (f) Rifles shall only be black, tan, brown or green in color.
- (g) When not in use, rifles shall be securely stored consistent with the Firearms Policy

### 426.3 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of department-owned patrol rifles shall fall on the Range Sergeant, who shall inspect and service each patrol rifle on a monthly basis.
- (b) Responsibility for Maintenance of personally-owned patrol rifles shall fall on the officer, who shall inspect and service his/her patrol rifle on a monthly basis.
- (c) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (d) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (e) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.

## *Patrol Rifles*

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- (f) Each patrol rifle shall be subject to inspection by a supervisor or the Range Sergeant at any time.
- (g) No modification shall be made to any department-owned patrol rifle without prior written authorization from the Range Sergeant.
- (h) After a personally-owned rifle is approved by the Range Sergeant, any additional modification must have the approval of the Range Sergeant before carrying the modified rifle. Modifications shall be made by a gunsmith, armorer or qualified person.

### **426.3.1 PATROL RIFLE QUALIFICATIONS**

After completing the required patrol rifle training course, all uniform and non-uniformed personnel who carry or use a rifle are required to qualify annually with the department rifle. The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, and training or as directed by the Training Coordinator. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with practical training designed to simulate field situations and will address the additional liability aspects of a rifle.

A list will be maintained by the Rangemaster of officers qualified to carry the patrol rifle. The list will be provided to the on-duty watch commander or supervisor for verification of an officer's eligibility to carry the weapon.

### **426.3.2 NON-QUALIFICATION**

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall not be permitted to carry any rifle during the performance of their duties in any capacity.

### **426.4 DEPLOYMENT**

All patrol rifles will be deployed with two loaded magazines. The weapon will be carried in the vehicle with the magazine in the weapon and no round in the chamber. Officers carrying a patrol rifle shall visually inspect that weapon prior to their shift for cleanliness, proper lubrication, and the presence of two loaded magazines. The on-duty watch commander or supervisor shall sign out and check in each weapon at the beginning and end of each shift. The supervisor will be responsible for ensuring the weapons are returned at the conclusion of each shift. When not in use, all patrol rifles shall be stored in the department's armory. The patrol rifle shall be securely locked in an electronic lock while inside the passenger compartment or trunk of the vehicle. Should the vehicle not be equipped with an electronic locking mechanism, the patrol rifle shall be secured out of view in the cargo area and in a Department approved case. Recognizing that situations may quickly arise which requires the deployment of a patrol rifle, officers shall be allowed to make the decision to deploy a patrol rifle in the field.

# Aircraft Accidents

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

### 428.1.1 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.

## 428.2 POLICY

It is the policy of the Folsom Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

## 428.3 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).

## 428.4 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.

## *Aircraft Accidents*

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### **428.5 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

### **428.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

### **428.7 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*

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

### **428.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Folsom 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 FPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

#### **428.8.1 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.

#### **428.8.2 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.

### **428.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

# Folsom Police Department

## Folsom PD Policy Manual

### *Aircraft Accidents*

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

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

# Field Training Officer Program

## 430.1 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 Folsom Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

## 430.2 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.

### 430.2.1 SELECTION PROCESS

FTOs 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 current FTOs
- (f) Possess a POST Basic certificate

### 430.2.2 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). Every reassigned FTO, after a three year, or longer, break in service as an FTO, shall successfully complete a POST-certified Field Officer Training Update Course prior to training new officers.

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

## 430.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Bureau Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.



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### *Field Training Officer Program*

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The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

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

#### **430.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the Folsom Police Department who has successfully completed a POST approved Basic Academy.

#### **430.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

##### **430.5.1 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 Folsom 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 Folsom Police Department.

#### **430.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

## *Field Training Officer Program*

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### **430.6.1 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.

### **430.6.2 IMMEDIATE SUPERVISOR**

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

### **430.6.3 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.

### **430.6.4 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.

## **430.7 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

# Contacts and Temporary Detentions

## 433.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

### 433.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

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

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

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

## 433.2 POLICY

The Folsom Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

## *Contacts and Temporary Detentions*

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### **433.3 FIELD INTERVIEWS**

Based on observation of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Folsom Police Department to strengthen community involvement, community awareness, and problem identification.

#### **433.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer

### **433.4 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.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

### **433.5 FIELD PHOTOGRAPHS**

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

#### **433.5.1 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 document the consent.

#### **433.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

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

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

#### **433.5.3 DISPOSITION OF PHOTOGRAPHS**

If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### **433.5.4 SUPERVISOR RESPONSIBILITIES**

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

### **433.6 WITNESS IDENTIFICATION AND INTERVIEWS**

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

- (a) Identifying all persons present at the scene and in the immediate area.

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1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Folsom Police Department members.
1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

# Mobile Data Terminal Use

## 438.1 PURPOSE AND SCOPE

The Mobile Data Terminal (MDT) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDT shall comply with all appropriate federal and state rules and regulations.

## 438.2 MDT CONSIDERATIONS

### 438.2.1 NON-FUNCTIONING MDT

Whenever possible, officers will not use units with malfunctioning MDT's. Whenever officers must drive a unit in which the MDT is not working, they shall notify the Communications Center. It shall be responsibility of the Communications Center to record all information that will then be transmitted verbally over the police radio.

### 438.2.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDT's. Operating the MDT may cause some devices to detonate.

### 438.2.3 DATABASE INQUIRES

MDTs access CLETS and NCIC data base files. Requests for data stored in the Sacramento Repository Local Warrant system must be requested through the dispatcher. The following Data Base inquiry guidelines are to be followed:

- (a) Inquiries into the National and State Databases shall only be made for official law enforcement purposes.
- (b) Responses to inquiries shall be safeguarded against unauthorized disclosure and shall not be left on the screen of an unattended police vehicle.

### 438.2.4 ADMINISTRATIVE MESSAGES

Administrative messages shall only be used for official business and shall not contain profanity, suggestive or demeaning remarks. Administrative Messages are permanently stored on the CAD system and will be accessed for review.

## 438.3 POLICY

Folsom Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

## 438.4 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).

## *Mobile Data Terminal Use*

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### **438.5 RESTRICTED ACCESS AND USE**

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### **438.5.1 USE WHILE DRIVING**

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped.

Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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.

### **438.6 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.



### *Mobile Data Terminal Use*

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#### 438.6.1 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 MDT 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 MDT when the vehicle is not in motion.

#### 438.6.2 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.

# Automatic Vehicle Locator (AVL) System

## 439.1 PURPOSE AND SCOPE

The purpose of the Automatic Vehicle Locator (AVL) System is to assist Communications personnel with dispatching units and locating personnel in emergency situations. The AVL System is also intended to provide an enhanced mapping and call routing companion to the Computer Aided Dispatch system.

## 439.2 POLICY

It is the policy of the Folsom Police Department to install, use and maintain an Automatic Vehicle Locator (AVL) System in designated police vehicles.

## 439.3 FIELD PERSONNEL

- (a) Vehicles equipped with AVL will automatically activate when the vehicle's mobile computer system is turned on.
- (b) Personnel shall not tamper with or disable any component of an AVL System installed in any designated police vehicle.
- (c) Personnel assigned to a vehicle equipped with an AVL System that is not functioning properly shall document the problem on a vehicle maintenance report request form and exchange the vehicle for one with a properly functioning AVL System when availability permits.
- (d) Personnel utilizing the AVL system should remain cognizant of their surroundings and cautious of traffic or other hazards. Use of AVL while driving shall not conflict with FPPM 448.2.1, MDT Use While Driving.

## 439.4 DISPATCH PERSONNEL

- (a) Dispatch personnel will have the ability to utilize the AVL System to select and dispatch a unit to a call for service based on their location.
- (b) Dispatch personnel will have the ability to utilize the AVL System to locate field personnel involved in emergencies or perceived emergency situations, such as, but not limited to pursuits, emergency button activations or a lack of a response to radio transmissions.
- (c) Dispatch personnel shall verify that all in-service patrol vehicles with AVL Systems are displayed on the AVL screen in Dispatch and shall notify any unit when their AVL System is not properly functioning. Notification of the failure shall also be made to the on-duty patrol supervisor.

## *Automatic Vehicle Locator (AVL) System*

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### **439.5 SUPERVISORY PERSONNEL**

- (a) The AVL System is not intended to be used as a supervisory tool to routinely or randomly monitor the movements of field personnel.
- (b) The AVL system has the capacity to store data that can be viewed upon request.
  - 1. The AVL System Database may be reviewed by an investigator participating in an official Department investigation, such as a personnel complaint, claims investigations, administrative inquiry, or criminal investigation. The database may also be reviewed, as needed, by managers as a means to evaluate deployment coverage and strategies, and assess and develop training needs, or for authorized demonstrations.
  - 2. Department personnel may request a review of the AVL System Database for their assigned vehicle in order to assist in reconstructing and documenting their movement in situations such as a pursuit. This request should be made to the on-duty Watch Commander who will be responsible for authorizing the release of this data.

## Portable Audio/Video Recorders

### 440.1 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, vehicle installed, hand held or integrated into portable equipment.

This policy does not apply to interviews or interrogations conducted at any Folsom Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

#### 440.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate-** Any process that causes the in-car camera/body-worn camera video recording systems to transmit or store video or audio data in an active mode.

**In-car camera (ICC) recording systems-** refers to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder, and monitor.

**Body-worn camera (BWC) recording systems-** Refers to any system that captures audio and video signals, that is typically attached to equipment worn by officers, and that includes, at a minimum, a camera, microphone, and recorder.

**ICC/BWC Technician(s)-** Personnel certified or trained in the operational use and repair of ICC/BWCs as well as responsible for media storage related to ICC/BWCs.

**ICC/BWC Coordinator-** Personnel certified or trained in the operational use of ICC/BWCs, duplicating methods, redaction, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Personnel-** Personnel who are trained and assigned to use the ICC/BWCs

**Recorded media-** Audio-video signals recorded or digitally stored on a storage device or portable media.

**Specialized Unit / Non-Uniformed Personnel-** Sworn personnel assigned to a unit or group that does not routinely dress in full police uniform due to the requirements and needs of their assignment.

### 440.2 POLICY

## *Portable Audio/Video Recorders*

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It is the policy of the Folsom Police Department to use in-car camera/body-worn camera video recording systems technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

Officers who have been issued a body worn video camera system shall wear it at all times the officer may become involved in an enforcement situation. Officers working plain clothes or special assignments shall, when it is not practical or safe to comply with mandatory wearing requirements, have the discretion to determine the proper wear and placement of the camera so as to facilitate an optimum recording field of view. Members assigned to the Criminal Investigation Division should consider leaving their assigned body-worn camera affixed to their vest carrier.

### **440.3 RESPONSIBILITIES**

System Administrator-Folsom Police Department Lieutenant assigned by the Chief of Police is the designated Systems Administrator. Their duties include:

- (a) Operation and user administration of the system including software upgrades and system management
- (b) System evaluation and quality control

Department Administrators - Department Administrators are designated by the Chief of Police. Their duties include:

- (a) Oversight of the Body Worn Camera System
- (b) Establish and update policy and procedure for the use of body-worn cameras
- (c) Establish, and update as needed, a system for downloading, storing and security of recordings
- (d) Designating persons responsible for downloading recorded data
- (e) Establishing maintenance system to ensure availability of operable body-worn camera and in-car cameras
- (f) Establishing a system for tagging and categorizing data according to the type of incident captured
- (g) Establishing and maintaining a system to prevent tampering, deleting, and copying recordings and ensure chain of custody integrity
- (h) Maintaining logs of access and deletions of recordings.
- (i) Training and user administration
- (j) Coordination with the System Administrator regarding system related issues.
- (k) Ensuring body-worn camera system files are reviewed and released in accordance with Federal, State, and local statutes and the City of Folsom Police Department retention policy.

Supervisors:

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### *Portable Audio/Video Recorders*

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- (a) Supervisors should ensure personnel utilize the body-worn camera system according to these policy guidelines.
- (b) Supervisors may review all video files when there is a legitimate business purpose. Supervisors shall review all files capturing use-of-force incidents, pursuits, and significant events.
- (c) Minor infractions (not criminal in nature/would not lead to the formal discipline process for a first offense) by personnel discovered during the routine review of recorded materials in accordance with departmental policy should be viewed as training opportunities, not as grounds for formal discipline. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.
- (d) Supervisors should take physical custody of a body-worn camera device as soon as practical when the device may have captured an officer-involved shooting, use of force by an officer, or other serious incident, and should download the data as soon as practical, but no later than the end of shift during which the incident occurred (Penal Code 832.18).
- (e) If entering an incident into Blue Team, supervisors should attach the URL of video footage of the incident.
- (f) Supervisors should randomly choose for viewing one body-worn camera video for each employee they supervise, one time during a shift rotation to ensure the camera is working properly and the device is being used in accordance with this policy. The video should be no less than 5 minutes in length.

#### Personnel assigned a body-worn camera:

- (a) Only trained personnel shall operate the body-worn camera system.
- (b) Personnel shall obtain a functioning body-worn camera at the start of their shift.
- (c) Personnel shall secure their body-worn camera on their person for immediate deployment except when entering restrooms, locker rooms, and the station.
- (d) Personnel shall position the camera on the front of their uniform to facilitate optimum recording field of view.
- (e) Personnel shall 'Power on' the body-worn camera and ensure the battery is fully charged and operating properly before going into service.
- (f) Personnel should turn their body-worn camera to sleep mode when entering the police facility, or, alternatively, place the camera into the docking station. Personnel shall "wake up" their body-worn camera when leaving the police facility and the body-worn camera should remain "awake" while personnel are on patrol.
- (g) Personnel shall wear their body-worn camera while on-duty, except for uniformed officers attending a formal event or funeral or officers assigned to specialized units and non-uniformed personnel as described in section 441.6 (Specialized Units/Non-Uniformed Personnel) of this policy. Personnel will use only the body-worn camera system issued and approved by the Department. The wearing of any other personal video recording device is not authorized.

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- (h) Personnel shall immediately report malfunctioning, damaged, or missing equipment to their immediate supervisor and notify the System Administrator prior to the end of their shift.
- (i) When a body-worn camera malfunctions or is inoperable during his/her shift, personnel shall obtain a functioning body-worn camera when practicable.
- (j) Personnel shall not remove, dismantle, or tamper with any hardware and/or software component of the body-worn camera system.
- (k) If the body-worn camera is not activated during an incident the reason for non-activation shall be documented in a report, on a citation, or in the CAD system.
- (l) Once video is captured, personnel should identify body-worn camera system files as follows:
  - 1. By the end of each shift, personnel will initiate the upload process. Officers assigned to a specialized unit shall upload videos as soon as practical.
  - 2. Personnel will review new video, classify their files with the assigned case number, citation number, or incident history number. The review and tagging will be completed prior to the end of shift unless otherwise approved by a sergeant.
  - 3. In the event of an equipment malfunction in the field resulting in no video files being captured, personnel shall notify a supervisor. If a police report is written documenting the incident, personnel shall note in the report the fact that a malfunction occurred. If no police report is written documenting the incident, personnel shall note in the CAD incident history the fact that a malfunction occurred.
  - 4. Access Categories-Recordings that meet either criterion below shall be flagged by the officer. The officer should notify their supervisor of the circumstances surrounding a flagged recording.
    - (a) Confidential-Any video involving misconduct of a prominent person (e.g., celebrity, politician, etc.) or City employee.
    - (b) Restricted-Any recording related to an existing or potential Personnel Investigation

#### Property and Evidence:

- (a) Property and Evidence personnel will be responsible for handling evidence requests for DVD or digital copies of files produced by the body-worn camera system for evidence in court proceedings, subpoenas, and other requests approved by the Chief of Police.
- (b) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.
- (c) Collecting all completed media for oversight and verification of downloaded evidence.com media. Once collected, the property officer:
  - 1. Ensures that the recordings are stored in a secure location with authorized controlled access.
  - 2. Makes the appropriate entries in the chain of custody log

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- (d) Evidence media shall only be erased according to the following:
  - 1. Pursuant to a court order
  - 2. In accordance with established retention policies.
  - 3. Pursuant to a request from a Division Commander as outlined in section 437.8 (BODY-WORN CAMERA SYSTEM FILE REQUESTS) in this policy

#### Records Unit

- (a) The Records Unit will be responsible for processing all Public Records Act requests.
- (b) The Records Unit will be responsible for the receipt and processing of court-ordered record seals in accordance with Penal Code §851.8 - Adult Seal; Welfare and Institutions Code sections 389(c) and 781(d) - Juvenile Seal; for recordings produced by the body-worn camera system to include retrieval and erasing of media.

#### **440.4 ACTIVATION OF THE ICC/BWC**

The ICC and BWC systems are designed to activate manually or with a number of "triggers." The systems remain on until it is turned off manually. When a BWC is powered on and 'awake', the prior 30 seconds of buffered video is captured once the camera is activated

##### AUTOMATIC ACTIVATION

##### ICC equipped vehicle "triggers"

- (a) The system will automatically activate at a vehicle speed equal or greater than 90 mph
- (b) The system will automatically activate if the vehicles emergency lighting system switched to position #1 or Position #2 (vehicle dependent)
- (c) The system will automatically activate if the vehicle is in close proximity (30-200 feet) of an officer who draws their duty pistol, arms a TASER device or activates a AXON camera system.

##### BWC "triggers"

- (a) The system will automatically activate an officer's body-worn camera when the officer draws his/her duty pistol or an armed TASER device. The body-worn cameras of other officers within 30-200 feet (depending on the strength of signal) of the officer will also automatically activate.
- (b) Live View-the live streaming of the body-worn camera is limited to the following circumstances:
  - 1. Officer Safety, such as when an officer is not answering the radio and a supervisor reasonably believes the officer may be in jeopardy



## *Portable Audio/Video Recorders*

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2. Tactical situations where a body-worn camera is live-streamed to a command center with the knowledge of the camera wearer
3. By prior arrangement with the camera wearer.

### 440.4.1 REQUIRED ACTIVATION OF ICC/BWC

This policy is not intended to describe every possible situation in which the ICC/BWC system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

Officers shall position their camera to facilitate optimum recording field of view. Officers should activate their camera system as soon as practical upon encountering the below types of events. However, at no time should an officer jeopardize his/her safety, or the safety of any other officer, to activate a recording device.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the ICC/BWC. The ICC and/or BWC system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
  1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops)
  2. Code 3 responses
  3. Vehicle pursuits
  4. Suspicious vehicles
  5. Arrests
  6. Vehicle searches
  7. Physical or verbal confrontations or use of force
  8. Pedestrian checks
  9. DWI/DUI investigations including field sobriety tests
  10. Consensual encounters
  11. Crimes in progress
  12. Responding to an in-progress call
  13. Transports involving prisoners, suspects, victims, witnesses or any person involved in the investigation.
- (b) All self-initiated activity in which an officer would normally notify the Dispatch Center

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- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
  - 1. Domestic violence calls
  - 2. Disturbance of the peace calls
  - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

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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 member of the public to stop recording should be considered using the same criterion. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

#### 440.4.2 ADDITIONAL CONSIDERATIONS FOR RECORDING

At no time should an officer jeopardize his/her officer safety, or the safety of any other officer, in order to activate a recording device. Officers may use discretion when deciding whether or not to advise a citizen he or she is being recorded. Generally, officers should not cease recording solely based on the request or demand of a citizen.

- (a) **Informal Community Interactions (Public Encounters)** - informal community interactions differ from "consensual encounters" officers may make an effort to develop reasonable suspicion to detain or probable cause for arrest. To strengthen relationships between police and citizens, officers may use discretion regarding the recording of informal, non-enforcement related interactions with members of the community. In the event a public encounter becomes adversarial, officers should activate their recorders without compromising their safety or the safety of others.
- (b) **Private Residences (including locations and areas not accessible without a warrant or warrant exception)** - Private citizens have a reasonable expectation of privacy and guarantee against the unreasonable search and seizure of their persons, houses, papers, and effects as provided by the United States and California constitutions. However, officers may record video of otherwise protected places and things during the course of their officer duties when they are lawfully present in any locations by consent, warrant, exigent circumstances, or other recognized warrant exception. Officers may also record anything that is within plain view of any location from which the officer is lawfully present.
- (c) **Victims and Witnesses of Crime-** Officers should generally record interviews of crime victims and witnesses. Officers have no obligation to advise a victim or witness that he or she is being recorded, but may do so at their discretion. When a victim or witness requests they not be recorded, officers may consider their request (See section 441.4.4 below for provisions of Penal Code 632). In cases where a victim or witness requests they not be recorded, and the officer agrees not to record, officers should record their request prior to turning the camera off. When an officer is already recording, he/she shall record their explanation for turning the camera off prior to doing so.
  - 1. **Witnesses** - In the event a crime witness or member of the community wishes to report or discuss criminal activity anonymously, officers have the discretion to not record the interview. Officers may offer to avert their camera to capture only audio during the interview, when doing so would facilitate obtaining the victim's recorded statement.
    - **Domestic Violence Victims** - Officers should record interviews of domestic violence victims to facilitate future prosecution efforts and discourage

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later recanting of statements. Officers should also record interviews with children who witness violence, when the child is willing.

- Child Abuse and Sexual Assault Victims - Officers should not record interviews of victims, witnesses, or parents of child abuse or sexual assault during field investigations.
- (d) Hospital or Medical Facilities - Officers shall be aware of patients' rights to privacy when in hospital and medical settings. Officers shall not record patients during medical or psychological evaluations by a clinician or similar medical professional, or during medical treatment, even if directed to do so by medical staff, unless the officer believes a violation of law is occurring. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
- (e) Privileged Communications - Officers shall not record privileged communications which are protected by the California Evidence Code section 900 et seq unless such privilege is explicitly waived. This includes the attorney-client, physician-patient, psychotherapist-patient, and clergy-penitent privileges.

### 440.4.3 CESSATION OF RECORDING

- (a) During an officer involved shooting or other serious incident, personnel shall continue recording until directed by a supervisor to stop recording. Personnel may mute the device only to conduct a confidential communication (such as a privileged conversation) or as directed by a supervisor.
- (b) After a recorded public safety statement is obtained following an officer-involved shooting, a supervisor will instruct involved personnel to turn off their body-worn cameras so they can be collected as evidence.
- (c) Personnel shall cease 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 conversations (Penal Code § 636).
- (d) In all other incidents, the recording should continue until personnel reasonably believe the encounter has concluded or the situation has stabilized. Personnel may halt the recording in accordance with this policy, in between interviews, or when directed by a supervisor.

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- (e) Personnel may cease recording when encountering or interviewing a victim who is in a vulnerable position or who asks not to be video recorded.
- (f) Personnel may cease recording when interviewing a subject who does not want to be video-recorded and the officer feels obtaining the information or statement exceeds the importance of video evidence.
- (g) In all cases personnel or the supervisor should verbally express the intent to stop recording prior to turning off the equipment and should verbally express it has resumed if later reactivated. If for some reason this verbal articulation does not take place, the reason for turning off the device and/or muting shall be documented in the incident report or in the CAD system.
- (h) The intention to stop recording or mute the device should be noted verbally, prior to the action. The process of stopping or muting a recording should also be included within the written report in order to provide and context for the cessation.
- (i) The body-worn camera system shall not intentionally be used to record non-business-related activity.
- (j) The body-worn camera system shall not intentionally be activated in restrooms/locker rooms unless a specific business purpose requires its use.
- (k) The body-worn camera system shall not be intentionally activated at the Folsom Police facility without a specific business purpose.
- (l) Personnel shall not intentionally activate the body-worn camera system device to record any personal conversation with or between other Department members or City employees
- (m) Personnel should not ordinarily activate the body-worn camera system when meeting with confidential informants unless surreptitious recording is in compliance with this policy.
- (n) Sworn personnel are not required to obtain consent to record a private person when:
  - 1. The officer is investigating a crime
  - 2. The officer or the person being recorded is in a location where there is no reasonable expectation of privacy (e.g. inside a building or dwelling where police personnel are lawfully present and engaged in the performance of official duties)
  - 3. The person being recorded is in a public place. A recording is not surreptitious when the device is in plain view.
- (o) Under sensitive circumstances, such as in a residence, place of business, or during the rendering of medical care, personnel should consider whether to advise private persons they are recording
- (p) Personnel should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect the privacy by discontinuing recording whenever it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

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### **440.4.4 WHEN ACTIVATION IS NOT REQUIRED**

Activation of the ICC/BWC system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal investigation.

PC §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, excluding communication made in a public gathering or in any legislative, judicial, executive, or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded. However, PC §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation. Any sworn officer may surreptitiously record conversations during the normal course of duty for a criminal investigation in which the sworn officer reasonably believes that such a recording will be beneficial to the investigation.

- (a) Any sworn officer contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other sworn officers conducted solely for administrative purposes.
- (b) Any individual contacted by a sworn officer wearing a conspicuously mounted recording device will be deemed to have knowledge that such a contact is being recorded.

### **440.5 SPECIALIZED UNITS/NON-UNIFORMED PERSONNEL**

It is recognized that personnel assigned to a specialized unit or a task force could face several practical and operational challenges that may on occasion prevent the use of body-worn cameras while performing their duties. Personnel issued a body-worn camera system, and who are assigned to specialized units (non-uniformed positions), should have their body-worn camera available to be used if needed. Such non-uniformed personnel are responsible for ensuring the recording devices are in good working order prior to going on duty and shall use the device in accordance with this policy whenever they are involved in pre-planned events or pre-planned enforcement as outlined in section 441.4 (ACTIVATION OF THE ICC/BWC) of this policy.

Supervisors or managers of specialized units may temporarily suspend an employee's requirement to carry or use a body-worn camera device when the circumstances dictate that carrying the device would jeopardize officer safety or the investigation. These circumstances include but are not limited to contact with confidential informants, special investigations, intelligence gathering missions and certain undercover operations. Supervisors should be able to explain the circumstances of the police operation or conditions that would be jeopardized or inhibited by the employee carrying or activating the recorder. If an officer is presented with a situation that would prohibit activation of the body-worn camera system, the employee shall notify their supervisor as

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soon as practical of the circumstances preventing the use of the equipment and document the same in the associated report or the CAD system.

### **440.6 TACTICAL OPERATIONS**

- (a) Intelligence briefings and tactical planning as part of the planning process should not be recorded.
- (b) Whenever reasonably possible, all personnel directly deployed at a point of contact during a tactical event should activate his or her body-worn camera prior to the beginning of any of the following situations:
  - 1. Dynamic, tactical, and/or forcible entries to structures
  - 2. Area searches for hidden or barricaded suspects
  - 3. Coordinated tactical takedowns or interventions of suspects in vehicles
  - 4. Contiguous with a tactical entry, the clearing of a structure to determine the presence of a threat or persons
- (c) If an officer is on a perimeter post or assigned to a static post where he/she is not in contact with citizens, involved in an enforcement action, or actively part of the investigation, they should deactivate their body-worn camera.

### **440.7 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.

### **440.8 DOCUMENTING ICC/BWC USE**

If any incident is recorded with either the ICC/BWC the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a comment, indicating that the incident was recorded. To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

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Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

### **440.9 REVIEW OF ICC/BWC SYSTEM FILES**

- (a) Although the data captured by the body-worn camera system is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis.
- (b) Personnel authorized under this policy may review video according to the provisions of this policy.
- (c) Once uploaded to the server, personnel may view their own audio/video data files. Personnel may view audio/video data files from another employee's body-worn camera only when they are involved in the incident or with supervisor approval. Personnel may only view audio/video data associated to their investigation on a right to know, need to know basis. Access is automatically time/date stamped and records each access by name.
- (d) Personnel may review recorded body-worn camera system files under the following circumstances:
  - 1. For the purpose of completing a criminal investigation and preparing official reports.
  - 2. To prepare for courtroom testimony or courtroom presentation.
  - 3. Following a critical incident: with supervisor approval. Refer to Officer-Involved Shooting/Great Bodily Injury Incidents policy.
  - 4. All personnel shall only review recorded body-worn camera system files on a right to know, need to know basis consistent with this policy.
  - 5. Supervisors may review all video files when there is a legitimate business purpose.

### **440.10 ICC/BWC SYSTEM FILES REQUESTS**

- (a) Unauthorized use, duplication, and/or distribution of body-worn camera system files are prohibited. Personnel shall not make copies of any body-worn camera system file for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to record body-worn camera system files. All recorded media, images and audio are property of the Folsom Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police (Penal Code 832.18).
- (b) Requests from the District Attorney's Office or City Attorney's Office, shall be forwarded as a written request via e-mail, to the Property and Evidence Unit, with sufficient information to locate the body-worn camera system file.



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(c) Other Requests:

1. All other requests for a body-worn camera system file shall be accepted and processed in accordance with Federal, State and Local statutes and departmental policy.
2. Media and/or Public Records Act requests shall be received and processed in accordance with Federal, State, Local laws and departmental policy, including the Records Maintenance and Release Policy, including Policy 808-Records Maintenance and Release.
3. When practical, involved personnel will be advised prior to any release of video under the CPRA (California Public Records Act) and the guidelines consistent with departmental policy

(d) Request for Deletion of Accidental Recording:

1. In the event of an accidental activation of the body-worn camera system, the recording employee may request that the body-worn camera system file be deleted by submitting an e-mail request with sufficient information to locate the body-worn camera system file to the Division Commander, who shall review the file, approve or deny the request, and forward to the System Administrator for action. The email requesting deletion of the accidental recording shall be maintained for a minimum of two years.

(e) Copying Procedures

1. A copy of the body-worn camera system file can be requested in accordance with the provisions of this policy.
2. Property and Evidence personnel will be responsible for handling evidence requests for copies and online sharing of files produced by the body-worn camera system for court and other approved requests by the Chief of Police or his/her designee.
3. Property and Evidence personnel will make a notation of the requestor, and reason for each download, in Evidence.com.
4. Investigators conducting criminal or internal investigations shall advise the System Administrator to restrict access/public disclosure of the body-worn camera system file, when necessary.
5. A body-worn camera system file may be utilized as a training tool for individuals, specific units, and the department. A recommendation to utilize a body-worn camera system file for such purpose may come from any source as outlined below:
  - (a) A person recommending utilization of a body-worn camera system file for training purposes shall submit the recommendation through the chain of command to the Division Commander or designee.
  - (b) If an involved officer or employee objects to the showing of a recording, his/ her objection will be submitted to Command Staff to determine if the employee's objections outweigh the training value. The Division

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Commander or designee shall review the recommendation and the objection and determine how best to utilize the body-worn camera system file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g., department policy, Training Bulletin, Officer Safety Bulletin, briefing or other training). If the Department determines that the training value outweighs the employee's objections, the objecting officer will be told before the recording is shown for training purposes.

- (f) The following are specifically prohibited:
  - (a) Posting of official video and/or audio to any non-Department sponsored social networking or other web site
  - (b) Posting of Body Worn recordings on any Department sponsored site without express permission from the Chief of Police or his designee (any video posted on a Department sponsored social media or other web site will thereafter be considered public information)

### **440.11 RETENTION OF ICC/BWC RECORDINGS**

Retention schedule and categories:

- (a) Three years
  - 1. Recordings containing evidence that may be relevant to a criminal prosecution
- (b) Two years (Penal Code § 832.18)
  - 1. Incidents involving use of force by an officer
  - 2. Officer-involved shootings
  - 3. Incidents that lead to the detention or arrest of an individual
  - 4. Recordings relevant to a formal or informal complaint against an officer or the Folsom Police Department
- (c) Two years
  - 1. Recordings containing non-criminal evidence
- (d) One year
  - 1. All other not listed above
- (e) 180 days
  - 1. TEST recordings

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

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#### 440.11.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

#### **440.12 SYSTEM OPERATIONAL STANDARDS**

- (a) ICC/BWC system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The ICC/BWC system should be configured to minimally record for 30 seconds prior to an event
- (c) Officers shall not erase, alter, reuse, modify or tamper with ICC/BWC recordings.
- (d) The ICC/BWC system provides continuous background recording and the ability to go back in time and capture video (not audio) from an event even when the record button wasn't pressed.

#### **440.13 ICC/BWC TECHNICIAN RESPONSIBILITIES**

- (a)
- (b)
- (c)
- (d)
- (e)

The ICC/BWC technician is responsible for:

- (a) Ordering, issuing, retrieving and storing ICC and BWC hardware.
- (b) Maintaining a record of issued ICC and BWC hardware.
- (c) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

#### **440.14 ICC/BWC COORDINATOR RESPONSIBILITIES**

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- (a)
- (b)
- (c)

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- (d)
- (e)
- (f)
- (g)

The ICC/BWC Coordinator has oversight responsibilities including, but not limited to, the following:

- (a) Ensure ICC and BWC video is prepared and distributed in accordance with release procedures
- (b) Ensure recordings of evidentiary value are secure and retained according to the Department's retention schedule
- (c) Erasing of media:
  - 1. Pursuant to a court order
  - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
  - 3. In the event of an accidental activation of the BWC where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWC file be deleted by submitting an email request with sufficient information to locate the BWC file to the BWC Program Coordinator or their designee who shall review the file, approve or deny the request, and, if approved, forward to the Property/Evidence Technician for deletion.
- (d) Ensure all other files are maintained in accordance with the Department's retention schedule
- (e) Ongoing review of related Department policies and procedures
- (f) Assessment and recommendations for modification of policies, procedures and practices associated with video recording

### **440.15 AUDIT RESPONSIBILITIES**

The System Administrator or designee should conduct random audits, two per calendar year quarter, to ensure the body- worn camera system is operating properly and the camera is being utilized in accordance with policy.

# Medical Marijuana

## 442.1 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.

### 442.1.1 DEFINITIONS

Definitions related to this policy include:

**Cardholder** - A person issued a current identification card.

**Compassionate Use Act (CUA)** (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

**Identification card** - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

**Medical marijuana** - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

**Medical Marijuana Program (MMP)** (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

**Patient** - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

**Primary caregiver** - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

**Statutory amount** - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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### **442.2 POLICY**

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 Folsom Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

### **442.3 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.

#### **442.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

#### **442.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER**

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

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

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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.

### 442.3.3 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).

### 442.3.4 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.
- (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:

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1. The amount of marijuana recommended by a medical professional to be ingested.
  2. The quality of the marijuana.
  3. The method of ingestion (e.g., smoking, eating, nebulizer).
  4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

### 442.3.5 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.
- (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).
- (e) Violations of the City's marijuana cultivation and dispensary ordinances (FMC 17.122 and 17.114).



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### **442.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE**

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

### **442.4 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.

### **442.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES**

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Division supervisor.

## Bicycle Patrol Unit

### 444.1 PURPOSE AND SCOPE

The Folsom 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.

### 444.2 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.

### 444.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Bureau Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU 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.

#### 444.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Operations Bureau Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Operations Division.

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- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

### **444.4 TRAINING**

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

### **444.5 UNIFORMS AND EQUIPMENT**

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

### **444.6 CARE AND USE OF PATROL BICYCLES**

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in 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.

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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.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

#### **444.7 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.

# Automated License Plate Readers (ALPRs)

## 450.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

## 450.2 ADMINISTRATION OF ALPR DATA

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Folsom Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment , as well as ALPR data retention and access shall be managed by the Support Services Division Commander. The Support Services Division Commander, or his/her designee, will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 450.2.1 ALPR ADMINISTRATOR

The Administration Bureau Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

## 450.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.

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- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

### **450.4 SUPERVISOR RESPONSIBILITIES**

- (a) Supervisors shall monitor the use of ALPR systems and ensure they are being deployed regularly
- (b) Supervisors shall ensure only trained operators use ALPR in the field
- (c) Any damage to ALPR system shall be investigated and reported to the Operations Division Commander. The supervisor shall ensure the equipment is removed from service until repaired by a trained ALPR technician.

### **450.5 DATA COLLECTION AND RETENTION**

The Administration Bureau Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

### **450.6 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Folsom Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

## *Automated License Plate Readers (ALPRs)*

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- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted every 6 months.

For security or data breaches, see the Records Release and Maintenance Policy.

### **450.7 POLICY**

The policy of the Folsom Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

### **450.8 RELEASING ALPR DATA**

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
  - 1. The name of the agency.
  - 2. The name of the person requesting.
  - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Administration Bureau Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

### **450.9 TRAINING**

The Training Officer should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

# Homeless Persons

## 453.1 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 Folsom Police Department recognizes that members of the homeless community are often in need of special protection and services. The Folsom 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.

### 453.1.1 POLICY

It is the policy of the Folsom 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.

## 453.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community 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.

### 453.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.



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- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the 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.

### **453.3 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

### **453.4 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.

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#### **453.5 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.

## Public Recording of Law Enforcement Activity

### 454.1 POLICY

The Folsom 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.

### 454.2 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.

### 454.3 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.

## *Public Recording of Law Enforcement Activity*

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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.

### **454.4 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.

### **454.5 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.
- (d) In the case of an uninvolved third party who merely possesses evidence of a crime, there is reason to believe that giving a notice pursuant to a subpoena duces tecum would result in the destruction, alteration or concealment of such materials. In this situation, an Officer may seize the materials to prevent destruction, alteration or concealment but may not view the recording without a warrant or consent.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

# First Amendment Assemblies

## 455.1 POLICY

The Folsom 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.

## 455.2 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public parks, streets or sidewalks, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

### 455.2.1 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

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department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### **455.3 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### **455.4 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### **455.4.1 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.
- 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.

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Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 455.4.2 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 City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.



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#### **455.4.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### **455.5 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.

#### **455.6 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

### **455.7 ARRESTS**

The Folsom 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).

### **455.8 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **455.8.1 MEDIA ACCESS**

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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### **455.9 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.

### **455.10 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

#### **455.10.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City 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.

### **455.11 ANTI-REPRODUCTIVE RIGHTS CALLS**

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

### **455.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

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### **455.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL**

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
  - 1. A violation of an imposed curfew.
  - 2. A verbal threat.
  - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

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#### 455.13.1 USE SUMMARY

The Operations Bureau Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

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## Civil Disputes

### 456.1 PURPOSE AND SCOPE

This policy provides members of the Folsom Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

### 456.2 POLICY

The Folsom Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 456.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

## *Civil Disputes*

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### **456.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **456.4.1 STANDBY REQUESTS**

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

### **456.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

### **456.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# Folsom Police Department

## Folsom PD Policy Manual

### *Civil Disputes*

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## Medical Aid and Response

### **457.1 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

### **457.2 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

### **457.3 OPIOID OVERDOSE MEDICATION**

It is the policy of the Folsom Police Department that officers trained in the administration of naloxone may carry and administer naloxone in accordance with training, Sacramento County EMS regulations and California POST standards.

# Folsom Police Department

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### *Medical Aid and Response*

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#### 457.3.1 TRAINING

Upon completion of initial training in the administration of naloxone developed by the Sacramento County Department of Health and Human Services, which includes California Civil Code 1714.22, patient assessment, universal precautions, seeking medical attention and the use of intra-nasal naloxone. Officers will receive periodic refresher training every two years.

#### 457.3.2 FIELD USE

Trained officers will be issued naloxone kits. Kits should be carried with an officer or in assigned vehicles. To avoid prolonged exposure to heat, naloxone kits should not be stored in vehicles during the day, except during a shift while the officer is using the vehicle.

Officers will use their training and experience in deciding whether a subject is suffering from a suspected overdose of an opioid when determining whether to administer naloxone. If an officer determines the subject has likely overdosed from an opioid, naloxone should be administered according to the guidelines presented by the Sacramento County Department of Health and Human Services. The officer should:

- (a) Update dispatch of a suspected opioid overdose
- (b) Confirm emergency medical personnel are responding
- (c) Maintain universal precautions

Upon administration of naloxone, the officer should:

- (a) Update responding emergency medical personnel
- (b) Document the suspected overdose in a written report
- (c) Notify the on-duty supervisor of the overdose and the administration of naloxone

The on-duty supervisor should ensure the overdose is documented and uploaded in the Overdose Detection Mapping (ODMAP).

#### 457.3.3 MAINTENANCE/REPLACEMENT

Naloxone will be stored in a secure location in the department until it is issued. Each member who is issued naloxone is responsible for its periodic inspection. Missing, damaged or expired naloxone shall be reported to the member's supervisor immediately upon discovery. Members should request a replacement through his/her supervisor.

#### 457.3.4 DOCUMENTATION AND REPORTING

After each administration of naloxone, the member shall fill out a "SCEMSA Law Enforcement Naloxone Utilization Report" and a FPD crime/incident report. The reports shall be forwarded to the naloxone coordinator who will forward the information to the Social Services Administrator to assess community resources that may be available to the patient.

## *Medical Aid and Response*

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### **457.3.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT**

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

### **457.3.6 DESTRUCTION OF OPIOID OVERDOSE MEDICATION**

The Training Officer shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

### **457.4 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

### **457.5 FIRST AID TRAINING**

The Training Officer should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

## **Chapter 5 - Traffic Operations**

# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Folsom Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

## *Traffic Function and Responsibility*

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### 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 has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

### *Traffic Function and Responsibility*

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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 maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Officer should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

# Special Assignment of Department Vehicles

## 501.1 PROCEDURE

Temporary use of a department vehicle will be approved when there is a demonstrated need that it would be in the best interest of the department. Employees who meet one or more of the following criteria may be granted a take-home vehicle:

- (a) Employees whose duties subject them to emergency callouts, where time is a factor, and direct response best serves the public interest.
- (b) Employees who, because of their individual expertise, use of special equipment, of assignment of a specially equipped vehicle, are, on occasion, without prior notice, required to respond to a crime scene.
- (c) Sworn employees of the rank of Commander and above.
- (d) When authorized by the Chief of Police.

## 501.2 TEMPORARY USE

There will be occasions when it is appropriate for an employee to have the use of a department vehicle for assignments outside of their normal duty responsibilities and/or during off-duty hours (e.g. transportation to schools, seminars, etc.). These assignments will be approved by the division commanding officer on a case-by-case basis.

## 501.3 SECURITY

Employees who regularly or occasionally take home a department vehicle should, whenever possible, garage the vehicle at their residence. When not garaged, the vehicle shall be parked in the driveway or designated parking area, rather than in the street. The ignition shall be locked, windows rolled up and the doors locked.

## 501.4 PERSONAL BUSINESS

Employee drivers shall not use the department vehicle for personal business. Except as provided in the City of Folsom's "Use of City Owned Vehicle" policy, which provides:

- (a) Stops for rest and/or meal periods by an employee who is operating assigned a City owned vehicle assigned by his/her departmental head is considered incidental and therefore permitted.
- (b) Regular or periodic transportation by an employee assigned City owned vehicle to and from the employee's home may be permitted when such transportation is considered to be in the best interest of the City by the employee's department head.
- (c) Employees who live more than 50 miles outside the City boundaries may not regularly take a City owned vehicle home.



## *Special Assignment of Department Vehicles*

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- (d) The Chief of Police may, on occasion, approve use of assigned vehicles for personal trips or errands in circumstances in which it is necessary to have the driver and the vehicle available for immediate response to an unusual occurrence or other emergency (e.g. on-call).
- (e) It is assumed there may be occasions where the employee does not go directly from work to home, but rather detours for personal reasons unrelated to work. This is not prohibited when enroute and involving a reasonable distance.

### **501.5 CITY OFFICIALS**

- (a) City owned vehicles shall only be operated by City employees or elected City officials.
- (b) City *employee's* means permanent, probationary, and temporary employees.
- (c) Volunteers, consultants, contractors, and other individuals performing approved City government functions, may operate a City owned vehicle if such operation is deemed to be in the best interest of the City, by the City Manager or Assistant City Manager.
- (d) An assigned City owned vehicle may be used by a City employee, or an individual approved (Volunteer, consultant, contractor, or other individual performing City government function), to transport non-city employees if such transportation is incidental, occasional, and unavoidable, or if such transportation is consistent with the business use of the City owned vehicle.

### **501.6 ACCIDENTS**

The driver of a department vehicle involved in any accident/incident, which results in property damage, or bodily injury shall notify a supervisor as soon as possible.

Note: An incident is an occurrence that involves property damage and/or personal injuries to other persons, but causes no damage to the department vehicle. Incidents include those occurrences in which the parties to an accident allege that the accident was caused by some act of a department vehicle that did not become engaged in the collision.

# Traffic Collision Reporting

## 502.1 PURPOSE AND SCOPE

The Folsom 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 Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

## 502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Bureau Commander, or other persons as required.

## 502.4 REPORTING SITUATIONS

### 502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Bureau Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

### 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 Folsom Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

### 502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

## *Traffic Collision Reporting*

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### **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. An Incident Report may be taken at the discretion of any supervisor.

### **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 there is an identifiable violation of the Vehicle Code
- (c) When a report is requested by any involved driver

### **502.5 NOTIFICATION OF TRAFFIC BUREAU 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 Bureau. In the absence of a Traffic Sergeant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

## Traffic Accident Review Board

### 503.1 PURPOSE AND SCOPE

A Traffic Accident Review Board (T.A.R.B.) shall review all police vehicle accidents involving department personnel and determine whether the accident was preventable or non-preventable operational.

#### 503.1.1 COMPOSITION OF BOARD

The board shall be composed of the employee's watch commander, traffic sergeant, involved employee's supervisor, and a peer of the involved employee selected by the Traffic Sergeant. (The division commander may substitute board members, as may be necessary dependant upon availability and appropriate supervisor of the involved employee.)

#### 503.1.2 MEETING OF REVIEW BOARD

The traffic sergeant shall convene the review board within ten workdays of the filing of the written traffic accident report.

#### 503.1.3 REPORT FROM BOARD

The traffic sergeant shall ensure that the report (FPD form 243) shall be furnished to the commanding officer of the employee within three workdays after the committee convenes. The driving history of the employee shall be forwarded to the employee's commanding officer with form FPD 243.

#### 503.1.4 REVIEW AND RECOMENDATION

The commanding officer shall review the findings of the committee and forward his recommendation (on form FPD 243) to the Chief of Police within seven calendar days of receipt of the review board's findings.

#### 503.1.5 NOTIFICATION OF OFFICER

After review by the Chief of Police, FPD Form FPD 243, "Notification of Disposition of Accident" will be completed and forwarded to the involved officer.

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# Vehicle Towing and Release

## 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Folsom Police Department. Nothing in this policy shall require the Department to tow a vehicle.

## 510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

### 510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Unit as soon as practicable after the vehicle is stored.

### 510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Folsom. The officer will then store the vehicle using a CHP Form 180.

### 510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

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### *Vehicle Towing and Release*

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

#### 510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

#### 510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

#### 510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

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#### 510.2.7 RECORDS UNIT RESPONSIBILITY

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this Department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

#### 510.3 TOWING SERVICES

The City of Folsom periodically selects firms to act as the official tow service and awards a contract to those firms. Those firms 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.

##### 510.3.1 ROTATIONAL TOW SERVICES

Upon proper application, the Police Department may approve a qualified towing service to be placed on the rotating tow list.

All applicants who are approved for placement on the rotating tow list shall adhere to the specifications for Rotating Towing and Storage Services during the life of their agreement.

Any complaint alleging a violation of the agreement or other misconduct by towing operator may result in the removal of that firm from the towing list.

The Police Department will assist citizens by calling any towing company desired. If the citizen has no preference and requests that an officer call a towing company, one of the authorized firms shall be called in rotation.

## *Vehicle Towing and Release*

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All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

### **510.4 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

### **510.5 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) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

### **510.6 RELEASE OF VEHICLE**

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (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.



# Folsom Police Department

## Folsom PD Policy Manual

### *Vehicle Towing and Release*

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3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

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# Vehicle Impound Hearings

## 512.1 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Folsom Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

### 512.1.1 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 Traffic 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 where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

### *Vehicle Impound Hearings*

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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 Bureau Commander. The hearing officer will recommend to the appropriate Bureau Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

## DUI Cost Recovery

### 513.1 PURPOSE AND SCOPE

Government Code § 53150 through 53159 establishes the statutory framework allowing public agencies to recover emergency response costs from persons who intentionally or negligently cause incidents requiring an emergency response. Government Code § 53150 defines the circumstances in which a person driving a motor vehicle may be liable for the expense of an emergency response, while Government Code § 53156, subdivision (a) defines "expense of an emergency response."

Folsom Municipal Code § 3.50 authorizes the recovery of costs incurred due to an emergency response by either police or fire personnel, provided the emergency response was initiated as a result of a driving under the influence (DUI) incident.

### 513.2 POLICY

It shall be the policy of the Folsom Police Department to seek reimbursement from individuals for emergency response costs with the City of Folsom arising from incidents they cause while driving under the influence (DUI) of drugs and/or alcohol. Examples of incidents that may result in a recovery include, but are not limited to a traffic collision in which an emergency response is necessary and a driver is determined to be under the influence or the response of emergency medical personnel is necessary to care for a driver who is determined to be under the influence.

### 513.3 GENERAL RESPONSIBILITIES

- (a) Investigating Officer(s)
  - 1. Completion of the appropriate Crime (DUI) Report and/or Collision Report
  - 2. Completion of Cost Recovery Worksheet (form FPD-1054) submitted with Crime (DUI) Report
- (b) Supervisor
  - 1. Review Cost Recovery Worksheet for completeness and accuracy
  - 2. Forward the Cost Recovery Worksheet to the Records Bureau
- (c) Records Bureau
  - 1. Forward a copy of the Cost Recovery Worksheet to:
    - (a) City Attorney's Office (responsible for recovery)
    - (b) Finance Department
    - (c) York and Associates

# Impaired Driving

## 514.1 POLICY

The Folsom 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 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

### 514.2.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

## *Impaired Driving*

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### 514.2.2 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)).

### 514.2.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

### 514.2.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

## *Impaired Driving*

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### 514.2.5 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).

### 514.2.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

### 514.2.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

## 514.3 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.

### 514.3.1 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.

## *Impaired Driving*

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### 514.3.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

### 514.3.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

### 514.4 RECORDS UNIT RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.



## *Impaired Driving*

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### **514.5 ADMINISTRATIVE HEARINGS**

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

### **514.6 ARREST AND INVESTIGATION**

#### **514.6.1 WARRANTLESS ARREST**

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

#### **514.6.2 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.

# Traffic Citations

## 515.1 RESPONSIBILITIES

The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

## 515.2 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Operations Bureau Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Bureau Commander for review.

## 515.3 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Bureau.

## 515.4 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Bureau. The Traffic Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

## 515.5 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

## *Traffic Citations*

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Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Unit.

### **515.6 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

#### **515.6.1 APPEAL STAGES**

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Folsom Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

#### **515.6.2 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).

#### **515.6.3 COSTS**

- (a) There is no cost for an administrative review.

# Folsom Police Department

## Folsom PD Policy Manual

### *Traffic Citations*

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- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

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## 72-Hour Parking Violations

### 522.1 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Folsom 72-Hour Parking Ordinance shall be marked and noted on the Folsom 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.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

#### 522.1.1 MARKED VEHICLE FILE

The Traffic Bureau shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

#### 522.1.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Communications Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Communications Bureau to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento ( Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals 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**

# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 601.2 POLICY

It is the policy of the Folsom 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.

## 601.3 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.

## *Sexual Assault Investigations*

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### **601.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for review and/or follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### **601.5 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

#### **601.5.1 VICTIM RIGHTS**

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
  1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
  2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).



## *Sexual Assault Investigations*

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### 601.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

### 601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

#### 601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

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If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

### 601.6.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
  - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
  - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
  - 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
  - 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

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1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

### **601.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT**

The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

### **601.6.4 COLLECTION OF DNA REFERENCE SAMPLES**

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

### **601.7 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 Investigation Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

### **601.8 CASE REVIEW**

The Investigation Division supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

### **601.9 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing

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information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Division 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.

### **601.10 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
  - 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 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).
  - 6. Techniques for communicating with victims to minimize trauma.

# Asset Forfeiture

## 605.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Folsom Police Department seizes property for forfeiture or when the Folsom Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
  - 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
  - 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
  - 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
  - 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
  - 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
  - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
  - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

#### 605.2 ASSET SEIZURE AUTHORITY

Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488(a) specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

#### 605.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a Criminal Investigations Bureau (CIB) supervisor. The following guidelines will be observed:

- (a) The seizing officer or the assigned detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle, or property seized
- (b) When someone has made notification other than the Asset Forfeiture detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture detective, for review
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources. If a defendant has not given a Miranda waiver before an interview regarding assets, the detective will conduct a further criminal interview as necessary
- (d) Attempt to promptly determine all lienholders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification

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- (e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit or Narcotic Enforcement Team

### **605.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### **605.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

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### **605.6 FORFEITURE REVIEWER**

The Special Investigation Sergeant is designated as the asset forfeiture reviewer.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  - 3. A space for the signature of the person from whom cash or property is being seized.
  - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:



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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 Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
  - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
  - (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (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 City financial directives (Health and Safety Code § 11495).

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### **605.7 DISPOSITION OF FORFEITED PROPERTY**

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

#### **605.7.1 RECEIVING EQUITABLE SHARES**

When participating in a joint investigation with a federal agency, the Folsom 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.

### **605.8 CLAIM INVESTIGATIONS**

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification 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

## 607.1 POLICY

The Folsom Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 607.2 USE OF INFORMANTS

### 607.2.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

### 607.2.2 CHECK ON INFORMANTS - WSIN/ACII

The Division Commander and case agent are responsible for making WSIN inquiries on all informants they utilize. The Supervisor and case agent are responsible for making ACII inquiries on all informants they utilize.

The inquiries are to be made even if they are solely for information purposes. If informants are subsequently inquired upon, the submitting agents shall notify their supervisor.

### 607.2.3 UNRELIABLE INFORMANTS

If it is determined that an informant is unreliable, the case agent, Supervisor or Commander are responsible for immediately submitting an unreliable informant call to WSIN

Notification must also be made to any known affected criminal justice agencies that the informant was found to be unreliable.

### 607.2.4 INFORMANT BUYS

When an informant purchases evidence or other contraband, the purchase shall be made under the following guidelines:

- (a) All informant buys shall be under the direct control or supervision of the case agent.
- (b) Any time funds are provided to an informant, at least two detectives, or one detective and one law enforcement officer, must be present to witness the furnishing of funds to an informant. The same two detectives/officers will sign and witness the expenditure of funds by an informant on a voucher.
- (c) All funds shall be pre-recorded prior to the buy.

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- (d) Informants shall not *front* funds to any suspect without prior authorization from the case agent or the responsible Supervisor/Commander.
- (e) The informant should be fitted with a transmitting device and the transmission recorded, unless circumstances preclude its use. A case agent or a supervisor shall make this determination.
- (f) The informant shall be searched for contraband and money by a detective or designee prior to the buy. This would include a search of the informant's vehicle. Constant visual surveillance should be maintained on the informant preceding the buy in order to ensure that any evidence or contraband obtained came from the buy location. Visual surveillance should be maintained on the informant upon leaving the buy location to ensure that the evidence or contraband was obtained from the buy location.
- (g) The informant shall again be searched for contraband and money after the buy, by a detective or his/her designee. This would include the informant's vehicle.

### 607.2.5 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

### 607.2.6 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

### 607.3 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Bureau Commander, Special Investigations Unit supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

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- (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 Folsom 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 Special Investigations Unit supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Special Investigations Unit supervisor.
  - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### 607.3.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

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- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

### 607.4 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Special Investigations Unit. The Special Investigations Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Bureau Commander, Special Investigations Unit supervisor or their authorized designees.

The Criminal Investigations Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Special Investigations Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

#### 607.4.1 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

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- (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

#### **607.5 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Special Investigations Unit supervisor will discuss the above factors with the Operations Bureau Commander and recommend the type and level of payment subject to approval by the Chief of Police.

#### **607.5.1 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 Special Investigations Unit buy/expense fund.
  1. The Special Investigations Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
  1. The check shall list the case numbers related to and supporting the payment.
  2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

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- (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) Folsom 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.

#### 607.5.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

#### 607.5.3 AUDIT OF PAYMENTS

The Special Investigations Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.



## Expenditures of Unclassified Funds

### 608.1 POLICY

Supervisors assigned to the Investigative Services Bureau are authorized to use unclassified funds for the following purposes:

- (a) Payment to operators or informants for information and/or services rendered to investigations.
- (b) Purchase of drugs or evidence from criminal suspects.
- (c) Other necessary investigative expenses, with the approval of the Bureau Commander or Chief of Police.

### 608.2 EXPENDITURE LIMITS

A supervisor in the Investigative Services Bureau may, without the prior approval of the Bureau Commander, expend up to \$700.00 of unclassified funds. Any expenditure in excess of \$700.00 must have prior approval by the Bureau Commander.

### 608.3 SECURITY OF FUNDS

In order to provide security and control over unclassified funds, they are maintained in separate safes. It is important that supervisors entrusted with the combination to these safes not breach the confidentiality of the combinations. Each safe will have a specific purpose and limited access. Each safe will contain a three part receipt book and journal to record transactions.

**Bureau Safe** - This safe will contain the major cash funds often required for large narcotic related investigations. Funds in the Bureau Safe will be utilized to maintain a minimum balance in the Supervisor Safe. Access to the Bureau Safe is limited to the Bureau Commander.

**Supervisor Safe** - This safe will contain sufficient funds to handle the more frequent narcotic transactions and payments of informant or operator fees. Access to the Supervisor Safe is limited to the Bureau supervisors or Bureau Commander.

### 608.4 PROCEDURE FOR WITHDRAWAL OF SUPERVISOR SAFE FUNDS

- (a) A Detective requiring unclassified funds shall complete a voucher request and submit it to their sergeant.
- (b) The sergeant shall prepare a withdrawal receipt for signature of the recipient.
  - 1. **White copy** - Copied with the money and retained in case/narc file.
  - 2. **Yellow copy** - Placed in an envelope marked *receipts* in the safe.
  - 3. **Pink copy** - Retained in receipt book as permanent record.

## *Expenditures of Unclassified Funds*

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### **608.5 PROCEDURE FOR WITHDRAWAL OF BUREAU SAFE FUNDS**

- (a) Detective requiring unclassified funds shall complete a voucher request and submit it to their sergeant.
- (b) The sergeant shall contact the Bureau Commander.
- (c) The Bureau Commander will access the Bureau Safe and prepare a withdrawal receipt for signature of the recipient.
  - 1. **White copy** - Copied with the money and retained in case/narc file.
  - 2. **Yellow copy** - Placed in an envelope marked *receipts* in the safe.
  - 3. **Pink copy** - Retained in receipt book as permanent record.

### **608.6 PROCEDURE FOR RETURN OF UNCLASSIFIED FUNDS**

- (a) In the event that a detective does not expend all funds withdrawn from the unclassified funds, they shall immediately return all unused funds to the safe via their supervisor.
- (b) The supervisor returning unclassified funds to the safe shall complete a new three part receipt showing the amount of funds being returned to the safe.
  - 1. The supervisor shall record the number of the original withdrawal receipt on the new receipt for auditing purposes.
    - (a) **White copy** - Retained in the case/narc file.
    - (b) **Yellow copy** - Placed in an envelope marked *receipts* in the safe.
    - (c) **Pink copy** - Retained in receipt book as permanent record.

### **608.7 PROCEDURE TO ACCOUNT FOR UNCLASSIFIED FUNDS**

Officers utilizing unclassified funds are required to account for all transactions. All transactions must include:

- (a) Receipts for expenditures.
- (b) Referencing of expenditure to a crime/narc report number.
- (c) Account of expenditure by notation on voucher.
- (d) Journal entry of debit/credit and closing balance.

When any unclassified funds are utilized, the approved voucher will be forwarded to the Bureau Commander for review.

### **608.8 PROCEDURE FOR MONTHLY RECONCILIATION**

- (a) A reconciliation of each safe shall be conducted monthly by the Bureau Commander and Bureau supervisors.

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### *Expenditures of Unclassified Funds*

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- (b) All cash transactions will be recorded and the accounts balanced.
- (c) A monthly reconciliation report will be forwarded to the Chief of Police.

#### **608.9 PROCEDURE FOR COMMAND CHANGE AUDIT**

The Finance Department will conduct an audit of all unclassified funds upon any Bureau command or supervisor change. The Finance Department will have access to the funds from safes, journals, and associated receipt books to complete the audit, but will not have access to any confidential information that could jeopardize the integrity of the investigation. The Finance Department will provide the command change audit report to the Chief of Police.

#### **608.10 FUND REFIRBISHMENT**

Refurbishment of unclassified funds will be requested on an annual basis through the normal budget process.

# Eyewitness Identification

## 609.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

## 609.2 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 609.3 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

## *Eyewitness Identification*

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- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

### **609.4 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

#### **609.4.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The witness should view all photographs in the lineup.

The order of the suspect or the photos and fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

### **609.5 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

## *Eyewitness Identification*

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### **609.5.1 DOCUMENTATION RELATED TO RECORDINGS**

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

### **609.5.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION**

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

### **609.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

### **609.6.1 OTHER SAFEGUARDS**

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

### **609.7 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.

## *Eyewitness Identification*

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- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

# Brady Material Disclosure

## 611.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Folsom Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

## 611.2 POLICY

The Folsom 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 Folsom 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.

## 611.3 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.

## 611.4 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:



## *Brady Material Disclosure*

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- (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 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.

### **611.5 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.

## **Chapter 7 - Equipment**

## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

## *Department Owned and Personal Property*

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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 City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

### **700.5 REQUISITION OF PERISHABLE OFFICE SUPPLIES**

All personnel who are in need of supplies (to include but not limited to notepads, pens, batteries, etc) shall contact the Administrative Assistant in the Office of the Chief. These supplies shall be monitored and ordered when necessary by the Administrative Assistant.

# Personal Communication Devices

## 701.1 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.

## 701.2 POLICY

The Folsom 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 and with Folsom City Policy 500.

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.

## 701.3 PRIVACY EXPECTATION

Members have no expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

### 701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

## *Personal Communication Devices*

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### **701.4 DEPARTMENT-ISSUED PCD**

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

### **701.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
  - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Because of the risk of a personally owned PCD being subjected to the discovery process, public information act requests, or subpoenas, employees may have a reduced expectation of privacy when using a personally owned PCD in the workplace and with regard to any department business-related communication. Members agree to cooperate in preserving PCD content and in complying with any court order related to their personally owned PCD carried on duty.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred

## *Personal Communication Devices*

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to the Folsom Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

### **701.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) Except for brief personal communications (e.g., informing family of extended hours), Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (b) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (c) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (d) Members will not access social networking sites for any purpose that is not official department business.
- (e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

### **701.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

## *Personal Communication Devices*

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- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

### **701.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **701.9 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.



## Department Patch Trading

### 702.1 PURPOSE AND SCOPE

The Folsom Police Department receives numerous requests for department shoulder patches from the public, collectors, both current and retired law enforcement officers, and hobbyists from all over the world. The department has always supported and encouraged the collection of our patch(es) as a means of community outreach; however, the unlimited release of currently worn department patches presents a realistic threat. The potential for unauthorized use of our patch to enter a restricted area or represent oneself as a sworn member of the department poses such a threat to public safety that there is a need to restrict the practice of releasing currently worn FPD patches.

For the purpose of the order, the term "FPD patches" refers to any patch that is purchased by the city and/or is authorized to be worn on a uniform or item of clothing by a sworn or non-sworn member of the Folsom Police Department. This includes Citizens Assisting Public Safety (CAPS) patches and patches designed and used by specialty units within the department.

### 702.2 PROCEDURE

- A. FPD patches in use prior to 2014 (old style) which are obsolete and no longer to be used by members of the department may be given away or traded at the discretion of the Chief of Police or his/her designee.
- B. Current FPD patches may be given away or traded as follows:
  - (a) Personnel attending professional training (such as the FBINA or SLI) may receive patches to trade with classmates (limit one per classmate).
  - (b) Requests for patches will be honored for law enforcement agencies that agree to use the patch for public or professional display. Public or professional display would include, as examples, secure patch boards for viewing in public access areas of another agency; or, professional displays wherein the patch is secured in a display in a designated law enforcement office or work space. All requests for patches on behalf of an agency must be received on department letterhead signed by the requesting department's Chief of Police or designee.
  - (c) Upon the retirement of a member of the department, or acknowledgement by the department of a member of the community, the department may provide a patch to be affixed to a plaque, shadowbox, or professional display.
- C. At no time shall a patch be provided to a source outside the country.
- D. The provider of department patches agrees to abide by department policy when providing patches.

# Vehicle Maintenance

## 703.1 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.

## 703.2 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.

### 703.2.1 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.

### 703.2.2 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.

### 703.2.3 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.

## 703.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 703.3.1 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 Traffic Safety Vest

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- 1 Hazardous Materials Emergency Response Handbook

### **703.3.2 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 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook

### **703.4 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.

### **703.5 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.

### **703.6 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

## 705.1 POLICY

The Folsom 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.

## 705.2 USE OF VEHICLES

### 705.2.1 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.

### 705.2.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

### 705.2.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### 705.2.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency

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situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 705.2.5 COURT APPEARANCES

Officers may use their assigned police vehicle as transportation to court appearances. If their assigned unit is being driven by their vehicle partner, they may use one of the designated marked pool cars.

#### 705.2.6 TRAINING AND SCHOOLS

When available, an unmarked vehicle will be provided to those officers attending departmentally-approved training. If available and with supervisor approval, the Officer's assigned patrol car may be used.

#### 705.2.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

#### 705.2.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

#### 705.2.9 USE OF PERSONAL VEHICLES

The use of personally owned vehicles for work purposes is discouraged. Employees are not requested or required to use their personal vehicles for work purposes.

Personnel using private vehicles for work purposes must have the prior approval of the Chief of Police and will be paid the current approved mileage rate (according to IRS allowances) as compensation. An Officer's private insurance will be primary when operating his/her personal vehicle.

#### 705.2.10 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.

#### 705.2.11 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.

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### **705.2.12 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.

### **705.2.13 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" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## **705.3 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

### **705.3.1 ON-DUTY USE**

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

### **705.3.2 UNSCHEDULED TAKE-HOME USE**

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Folsom City 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.

### **705.3.3 ASSIGNED VEHICLES**

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Folsom is a prime consideration for assignment of

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a take-home vehicle. Members who reside outside the City of Folsom may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Bureau Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
  - 1. In circumstances when a member has been placed on call by the Chief of Police or Bureau Commanders 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 Police or Bureau Commanders.
  - 4. When the vehicle is being used by the Chief of Police, Bureau Commanders 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) 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.
- (f) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

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### **705.3.4 ENFORCEMENT ACTIONS**

When driving a take-home vehicle to and from work outside of the jurisdiction of the Folsom 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.

### **705.3.5 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When a vehicle needs repair or maintenance, the member will complete a vehicle repair slip explaining the service or repair, and leave the white copy for the vehicle maintenance tech, and the yellow copy on the dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.

### **705.4 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Bureau Commander within five working days explaining the circumstances.



# Personal Protective Equipment

## 706.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 706.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 706.2 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 706.3 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

## 706.4 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Range Sergeant shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

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### **706.5 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

### **706.6 RESPIRATORY PROTECTION**

The Administration Bureau Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

#### **706.6.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 706.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 706.6.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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#### **706.6.4 SELF-CONTAINED BREATHING APPARATUS**

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

#### **706.6.5 RESPIRATOR FIT TESTING**

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

#### **706.6.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

#### **706.7 RECORDS**

The Training Officer is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

### **706.8 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

# Military Equipment

## 707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Military equipment** – Includes but is not limited to the following:

- 1 Unmanned, remotely piloted, powered aerial or ground vehicles.
- 2 Mine-resistant ambush-protected (**MRAP**) vehicles or armored personnel carriers. Police versions of standard consumer vehicles are not Military Equipment.
- 3 High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. Unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are not Military Equipment.
- 4 Tracked armored vehicles that provide ballistic protection to their occupants and use a tracked system instead of wheels for forward motion.
- 5 Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- 6 Weaponized aircraft, vessels, or vehicles of any kind.
- 7 Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram. Items designed to remove a lock, such as bolt cutters, are not Military Equipment.
- 8 Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- 9 Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue handguns and ammunition of less than .50 caliber.
- 10 Any firearm or firearm accessory that is designed to launch explosive projectiles.
- 11 Flashbang grenades, noise-flash diversionary devices, and explosive breaching tools.
- 12 Tear gas, pepper balls, and other munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- 13 TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).

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14 The following projectile launch platforms and their associated munitions: 40 mm projectile launchers, bean bag, rubber bullet, specialty impact munition (SIM) weapons, and any kinetic energy weapons and munitions.

15 Any other equipment as determined by the City Council to require additional oversight.

**Type** – Each item that shares the same manufacturer model number.

#### **707.2 POLICY**

It is the policy of the Folsom Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

#### **707.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the City Council for matters related to the requirements of this Policy.
- (b) Identifying equipment that qualifies as Military Equipment, as defined in this Policy, whether the equipment is in the current possession of the Department or is equipment the Department intends to acquire.
- (c) Conducting an inventory of all Military Equipment, as defined in this Policy, at least annually.
- (d) Collaborating with any other law enforcement agency that may use Military Equipment within the jurisdiction of Folsom Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting, including:
  - 1. Publicizing the details of the meeting.
  - 2. Preparing for public questions regarding the Department's funding, acquisition, or use of Military Equipment.
- (f) Preparing the annual Military Equipment report for submission to the City Council and ensuring that the report is made available on the department website consistent with this Policy. (Government Code § 7072). Additionally, updating the ordinance, policy, and Military List as necessary.
- (g) Ensuring that this Policy is made available on the Department's website and that any newly proposed version of the Policy is also available on the website at least 30 days before any public hearing concerning the Policy or the associated ordinance.
- (h) Evaluating the procedures by which members of the public may register complaints or concerns or submit questions about the use of any Type of Military Equipment and updating those procedures as needed.

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- (i) Ensuring that the Department responds in a timely manner to each complaint, concern, or question about Military Equipment

#### **707.4 MILITARY EQUIPMENT INVENTORY**

Attached is a list of the Folsom Police Department's qualifying Military Equipment, including the following information (Government Code § 7070):

- (a) A description of each Type of Military Equipment, including:
  - 1. Quantity
  - 2. Capabilities
  - 3. Expected lifespan
  - 4. Product description from the manufacturer.
- (b) The purposes and authorized uses of each Type of Military Equipment
- (c) The fiscal impact of each Type of Military Equipment, including:
  - 1. Initial cost of obtaining the equipment
  - 2. Estimated annual cost of maintaining the equipment
- (d) Rules that govern each authorized use
- (e) Training that must be completed before any member of the Department is allowed to use each specific Type of Military Equipment

[Insert attachment here]

#### **707.5 USE OF MILITARY EQUIPMENT**

Military Equipment used by any member of this Department shall first be approved for use by the City Council. Once approved, Military Equipment must be used in accordance with all applicable Folsom Police Department policies and used only by those members trained and authorized for such use.

#### **707.6 ACQUISITION OF NEW MILITARY EQUIPMENT**

- (a) The acquisition of new Military Equipment shall be approved in advance by the City Council, in accordance with this Policy.
- (b) The Department is authorized to acquire additional stock of approved Military Equipment from other law enforcement agencies in the event of an emergency when approved in advance by the Chief of Police or authorized designee. If that occurs, the Department must obtain City Council approval as described in this Policy as soon as practicable.



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#### **707.7 FUNDING FOR MILITARY EQUIPMENT**

Funding for Military Equipment shall be approved in advance by the City Council, in accordance with the City of Folsom budget process, the procurement requirements of the Folsom Municipal Code, and this Policy.

#### **707.8 APPROVAL BY CITY COUNCIL**

- (a) The Chief of Police or the authorized designee shall obtain approval from the City Council for the acquisition and use of Military Equipment by way of an ordinance adopting the Military Equipment Use Policy. (Government Code § 7071.)
- (b) The City Council shall review the ordinance approving the Military Equipment Use Policy annually and vote on whether to renew the ordinance. (Government Code § 7071.)
- (c) As part of the initial and annual approval process, the Chief of Police or the authorized designee shall submit the proposed Military Equipment Use Policy to the City Council and make it available on the Department's website at least 30 days prior to any public hearing concerning the Military Equipment at issue (Government Code § 7071).
- (d) The ordinance approving the Military Equipment Use Policy must be adopted by the City Council before the Department engages in any of the following (Government Code § 7071):
  - 1. Requesting military equipment made available pursuant to 10 USC § 2576a.
  - 2. Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
  - 3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
  - 4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
  - 5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
  - 6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
  - 7. Acquiring military equipment through any means not provided above.

#### **707.9 PUBLIC AVAILABILITY OF POLICY**

- (a) The Chief of Police or the authorized designee shall make any proposed Military Equipment Use Policy publicly available on the Department's website at least 30 days before any public hearing concerning the Military Equipment at issue. This includes any proposed changes to the Policy or the Military Equipment Inventory associated with the City Council's annual review of the ordinance. (Government Code § 7071.)

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- (b) The Chief of Police or the authorized designee shall make any Military Equipment Use Policy publicly available on the Department's website for as long as the Military Equipment is available for use. (Government Code § 7071.)

#### **707.10 COORDINATION WITH OTHER LAW ENFORCEMENT AGENCIES**

Military Equipment used by any other law enforcement agency that is providing mutual aid to or operating in conjunction with this Department or the City of Folsom in a law enforcement capacity, shall comply with the law enforcement agency's own Military Equipment use policy. Use of another law enforcement agency's Military Equipment by that agency in the City of Folsom is approved as long as the use complies with the other agency's Military Equipment use policy.

#### **707.11 ANNUAL REPORT**

- (a) Within one year after approval of the Military Equipment Use Policy, and annually thereafter, the Chief of Police or the authorized designee should submit to the City Council an annual Military Equipment report for each Type of approved Military Equipment. (Government Code § 7072).
- (b) The Chief of Police or the authorized designee should make each annual Military Equipment report publicly available on the Department's website for as long as the Military Equipment is available for use. (Government Code § 7072.)
- (c) The annual Military Equipment report shall include, at a minimum, all of the following information for the preceding calendar year for each Type of Military Equipment (Government Code § 7072):
  - 1. A summary of how the Military Equipment was used and the purpose of its use.
  - 2. A summary of any complaints or concerns received concerning the Military Equipment.
  - 3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
  - 4. The total annual cost for each Type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment report.
  - 5. The quantity possessed for each Type of Military Equipment.
  - 6. If the Department intends to acquire additional Military Equipment in the next year, the quantity sought for each Type of Military Equipment.

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### **707.12 REPLACEMENT OF EXISTING MILITARY EQUIPMENT**

To maintain the quantity of each Type of Military Equipment included in the Military Equipment Inventory attached to this Policy, the Department is authorized to replace any approved Military Equipment without amending this Policy or the associated ordinance, if the Military Equipment is destroyed or rendered inoperable as a result of authorized use.

### **707.13 COMPLIANCE**

Mechanisms to ensure compliance with the Military Equipment Use Policy include, but are not limited to, the following:

- (a) The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this Policy and shall ensure compliance with the Policy.
- (b) Each Division Commander will ensure that members under his/her command are aware of this Policy.
- (c) Each member will be required to acknowledge that he/she reviewed the Policy and shall seek clarification from an appropriate supervisor as needed.
- (d) The Training Officer is responsible for developing, reviewing, updating, and maintaining the Department's training plan so that required training is completed.
- (e) The Military Equipment Coordinator is responsible for compliance with specific components of the Policy as described above.
- (f) Violations of this Policy shall form the basis for departmental administrative action, training, or discipline consistent with the Policy Manual, the City of Folsom Personnel Rules and Regulations, and the applicable collective bargaining agreement.
- (g) This Policy shall not be construed to create a higher standard of care for civil or criminal liability against the City of Folsom or its employees.

### **707.14 COMMUNITY ENGAGEMENT**

- (a) Within 30 days of submitting and publicly releasing the annual Military Equipment report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the annual Military Equipment report and respond to public questions regarding the report and the Department's funding, acquisition, or use of Military Equipment. (Government Code § 7072.)
- (b) Members of the public may register complaints or concerns or submit questions about the use of each specific Type of Military Equipment in any form, including in writing, by email sent to the following email address: [FPDmilitaryequipment@folsom.ca.us](mailto:FPDmilitaryequipment@folsom.ca.us), in person, by telephone at (916) 461-6400, at pre-determined community engagement meetings related to Military Equipment, or at any City Council meeting. Complaints related to the use of Military Equipment will be handled in accordance with FPD Policy 1019- Personnel Complaints.
- (c) The Department will ensure that each complaint, concern, or question receives a response in a timely manner. The Military Equipment Coordinator is specifically tasked

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with ensuring that each complaint, concern, or question receives a response in a timely manner.

## **Chapter 8 - Support Services**

# The Communications Center

## 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

## 801.2 POLICY

It is the policy of the Folsom Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

## 801.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

### 801.3.1 RADIO CONDUCT

The conduct for use of proper radio communications and related procedures shall be detailed in the Department's radio procedure.

### 801.3.2 UNIVERSAL PRECAUTIONS NOTIFICATION

For the purposes of ensuring the health and safety of field personnel, dispatchers should use the term "Universal Precautions" to advise field personnel when information indicates that a subject has a communicable disease, including HIV, Hepatitis C, Tuberculosis, etc. Additional details about the nature of the communicable disease should not be broadcasted over the radio, and field personnel inquiring should be advised to telephone the communications center. Medical information should be shared only for the limited purpose of protecting personnel from exposure.

The privacy and confidentiality of medical information should be respected by all employees.

## 801.4 MANUAL ANI/ALI SEARCH

In addition to 911 lines, telephone companies allow local Public Safety Answering Points (PSAP) to obtain ANI/ALI information on emergency calls received over 7-digit business exchange lines.

This procedure is termed by telephone companies as: Manual ANI/ALI Query.

This policy describes the use of the Intelligent Work Station Manual ANI/ALI query search.

### 801.4.1 DEFINITIONS

The following definitions relate to the terms used within this policy:

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**ANI** - Automatic Number Identification (phone number of caller)

**ALI** - Automatic Location Identification (address/location of caller)

#### 801.4.2 AGENCY PROPERTY

All information, data, documents and inquiries initiated on any of the phone system computers, is the property of AT&T and the Folsom Police Department.

#### 801.4.3 AUTHORIZATION FOR USE

Employees shall only use the telephone company Manual ANI/ALI information for the express purpose of responding to an emergency call at the time such call is placed.

#### 801.4.4 EMERGENCY CRITERIA GUIDELINES

Employees shall only use the Manual ANI/ALI search information when the following criteria have been met.

- (a) The caller is requesting emergency aid as specified in Government Code section 53100.
- (b) The caller has verbally provided the dispatcher his/her telephone number.
- (c) The dispatcher has determined that an emergency life or death condition or situation exists.
- (d) The caller is unable, or has failed to give the Dispatcher sufficient information to facilitate a proper emergency response.

Employees are prohibited from obtaining the Manual ANI /ALI search information for calls that do not meet the above criteria. Employees are also prohibited from using the Manual ANI/ALI search information for any other purpose other than stated above. Deviation from the above guidelines shall not be permitted unless a search warrant has been provided and/or served. Officer or Staff requests for a Manual ANI/ALI search that does not meet the above requirements will not be completed.

#### 801.4.5 DOCUMENTATION

Employees shall adhere to the following documentation procedure for obtaining the manual ANI/ALI search on the system.

- (a) An active CAD call will be created for ANI/ALI search if one does not already exist.
- (b) Complete all appropriate information for the CAD call; place the details/reason for the ANI/ALI search in the narrative of the CAD call.
- (c) Document in the narrative that an "ANI/ALI Search" was initiated, and completed with the search return information entered into the narrative of the CAD call.
- (d) Document any action that was taken to assist the caller or situation.
- (e) Print a copy of the ANI/ALI viewing window with the results of the ANI/ALI search.

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- (f) Record the date, time, employee printed name, signature and badge number on the ANI/ALI print out.
- (g) Print a copy of the CAD call after the completion of the event
- (h) Attach the CAD event to the ANI/ALI print out, place all documents in the Supervisors box to be filed.

#### 801.4.6 MISUSE

Abuse of this information is a serious violation of Public Utilities Code 2891 and Government Code 53100; disciplinary action can and will result from a misuse of this system. The telephone company will be auditing the Folsom Police Department on a monthly basis for any possible misuse of this system.

#### **801.5 EMERGENCY MARKER AND ALERT TONE**

The Emergency Marker is activated in order to notify field personnel that an emergency or high-risk situation is occurring. Only field personnel assigned to the emergency or high-risk situation are authorized to use the radio channel while the emergency signal is activated, and the channel is on "emergency traffic".

The Alert Tone may be used as one short tone, or a series of short tones, as a means of drawing field officers attention to a significant situation or incident. In these instances, the radio channel is not on emergency traffic. The alert tone is used as an "attention getting" device only.

##### 801.5.1 POLICY

It is the policy of the Folsom Police Department to use the emergency marker during emergency or high-risk incidents. The use of the emergency marker ensures that all field officers will be aware of these situations, and gives those officers in the emergency, priority use of the radio channel. The emergency marker will be activated for the duration of the emergency.

##### 801.5.2 USE

The emergency marker utilized by the Folsom Police Department is an intermittent tone that is initiated at the beginning of an incident, and turned off at the end. Personnel utilizing department radio channels shall listen to their radio for the intermittent tones prior to making any non-emergency broadcasts.

The emergency marker shall be activated whenever an officer requests that the channel be kept clear, or put on "emergency traffic" due to a high-risk situation. If the officer at the scene or the Watch Commander does not wish the emergency marker to be used, he will advise the dispatcher, who will stop the tone. The channel is still considered to be on emergency traffic.

The dispatcher shall initiate the emergency marker whenever a high risk or potential emergency exists, such as:



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- (a) When any felony vehicle stop is made.
- (b) When any officer requests "Code 3" cover.
- (c) Upon initiation of a pursuit.
- (d) When officers arrive on the scene of a high-risk situation such as a felony assault armed robbery in progress.
- (e) Any time a situation exists that may jeopardize officer safety.
- (f) When any officer/supervisor requests activation.

For major incidents that may be lengthy in duration, it may be advisable to open an additional radio channel. In these instances, the units on the emergency will remain on the originating channel. The units assigned to routine patrol duties will be moved to FP Tac 1, or FP Tac 2. FP Tac 3 will NOT be used for any function other than informal unit to unit transmissions.

If an additional radio channel is required, the watch commander will contact the Communications Center to determine if adequate staffing is available. If staffing is not available, the watch commander may authorize overtime for an off duty dispatcher to be called in.

The officer-in charge of the scene of any emergency or high risk situation for which the air has been cleared is responsible for notifying dispatch when the situation has stabilized, and when normal traffic can be resumed.

### 801.5.3 PROCEDURE

- (a) Whenever an officer requests, or the dispatcher determines that the radio channel should be kept clear for emergency traffic, the dispatcher shall complete the following steps:
  - 1. The dispatcher will immediately broadcast the following: "All units keep the air clear", or "All units standby for emergency traffic". The detail number of one unit, as well as the location shall be broadcast if practical.
  - 2. The dispatcher shall activate the emergency marker by placing the mouse arrow of the radio equipment on the down arrow on the channel to be kept clear, then left-clicking the radio tower icon..
  - 3. The dispatcher shall update the narrative of the CAD call, stating "emergency traffic, and a brief synopsis of the circumstances.
- (b) Dispatchers should refrain from speaking over other radio channels while they are working an emergency incident.
- (c) When the dispatcher has been notified that the situation has stabilized or that normal operations may resume, the dispatcher shall complete the following steps:

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1. The dispatcher will terminate the emergency marker by placing the mouse arrow on the radio tower icon and left-clicking..
  2. The dispatcher shall "secure" the radio traffic by broadcasting the following:
    - (a) "All units resume normal radio traffic" followed by the time.
  3. The dispatcher shall update the narrative of the CAD call, listing that the channel is "secure" from emergency traffic, and if available the reason why.
- (d) The Emergency Alert Tone may be used in order to quickly gain the attention of field units. In these instances, the alert tone will be activated by one short tone, or a series of short tones. Dispatchers shall use a single alert, and/or three quick alert tones in the following instances:
- (a) Any time an officer doesn't answer his/her radio after three attempts.
  - (b) Any time a significant update relating to a serious call is being broadcast.
  - (c) Any time a watch commander asks that the tone be used.
  - (d) Upon initial dispatch of a felony in progress call.
  - (e) Any time the dispatcher believes that the use of the tone will enhance officer/citizen safety by more efficiently relaying information.
- (e) The dispatcher shall activate the alert tones by using the radio equipment, right clicking on the dropdown next to the lightening bolt with musical note, and selecting "2". This will emit twoshort, high pitched tones.

#### **801.6 TELEPHONE ANSWERING - COMMUNICATIONS CENTER**

The purpose of this policy is to describe the policy and procedures for the answering of telephones in the communication center.

##### **801.6.1 POLICY**

It is the policy of the Folsom Police Department that telephone calls received by the communications center shall be answered as expeditiously as possible and in a professional and courteous manner. The telephone is the public's first interaction with the police department, it can also set the attitude for the entire contact.

##### **801.6.2 PROCEDURE**

- (a) **911 Lines** - Due to the inherent possibility of a 911 call being in regards to a life threatening emergency, the answering of these lines shall be the dispatchers first priority on incoming calls. 911 lines should be answered within 3 rings.
  1. 911 lines will be answered with "911 What is your Emergency."
- (b) **7-Digit Emergency Lines** - The 7-digit emergency lines are 911 back up lines, life threatening emergency calls can be received on these lines. Allied agencies may

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transfer 911 calls to these emergency lines, the general public may call these numbers directly. 7-digit emergency lines should be answered within 3 rings.

- (a) 7-digit emergency lines will be answered with "Folsom emergency, this is Smith, how can I help you?"
- (c) **Non-Emergency Lines** - Non-emergency incoming calls are to be answered as quickly as possible. There will be times when due to an emergency it will take longer to answer non-emergency phone lines, this should be the exception not the rule.
  - 1. Non-Emergency Lines will be answered with the following verbiage:
    - (a) Folsom Police, this is Smith, how can I help you?
    - (b) Folsom Police, this is Ann, how can I help you?
  - 2. Dispatchers will announce the police department name, their first or last name followed by "how can I help you?". Non-emergency lines will be answered in the above manner.
- (d) **Intercom and Ring Down Lines** - Ring down (SSD, Co Fire, ) and intercom lines shall be answered as quickly as possible. There will be times when, due to an emergency, it will take longer to answer these lines, this should be an exception not the rule.

#### 801.6.3 Demeanor

- (a) Dispatchers will refrain from entering into loud verbal exchanges with complainants during the course of their telephone conversation. Yelling and/or arguing is not acceptable behavior.
- (b) When a caller becomes irate, inconsistent, argumentative, unstable, or apparently inebriated, and the conversation is at an impasse, politely and firmly inform the person that you are requesting another dispatcher handle the call, terminating the call or are placing the call on hold and conferring with a supervisor.
- (c) The dispatchers' objective when talking with citizens is to provide professional, courteous and appropriate service. Curtness, rudeness and a lack of professional courteous behavior is not acceptable.
- (d) Dispatchers will refer callers to attorneys or legal aid services for all matters that pertain to answering specific questions that pertain to legal procedures.
- (e) Dispatchers are authorized to notify citizens of officers' schedule and/or days off, including vacation time.

#### 801.7 NOTIFICATION OF SUPERVISORY PERSONNEL

Members will follow the "notification matrix" located in this manual.

Dispatchers shall contact Supervisory staff in the following order:

1. Assigned Dispatch Supervisor

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2. Other Dispatch Supervisor
3. Administrative Lieutenant
4. Administrative Commander

The Dispatch Supervisor shall notify the Administrative Lieutenant of any significant event that impacts service provided to the city, major staffing shortages, or anytime the supervisor believes the Administrative Lieutenant should be aware of the circumstances.

### **801.8 EMERGENCY RADIO ACTIVATIONS**

#### **801.8.1 PURPOSE**

The operational needs of the department have necessitated a standardized dispatch and patrol procedure in dealing with Emergency Activations emitting from portable and vehicle radios.

#### **801.8.2 POLICY**

This procedure shall be implemented anytime a field unit activates his/her "Emergency Activation Button" from a portable or vehicle radio. Emergency activations should always be handled as *real* emergencies until otherwise stated by the activating unit.

#### **801.8.3 PROCEDURE**

- (a) Locate the unit identifier (name) in emergency status displayed on the active radio channel.
- (b) Immediately broadcast the following: Unit Identifier (E71) Dispatch copies your emergency activation and broadcast the unit's location (if known).
- (c) Immediately clear the air, activate the beeper and dispatch 2 field units and a field supervisor to assist.
- (d) Dispatch will then contact the field unit in emergency status and ascertain his/her status.
- (e) Acknowledge (silence) the emergency activation on the radio console (Red Cross w/ index finger). The emergency activation should only be Knocked Down/ Cleared (Red hand w/ Red Cross in the resource window) when the unit in emergency status advises he/she is okay.
- (f) If the unit identifier and location are unknown, conduct a city wide "roll call" of all FPD units in service.
- (g) Notify the field supervisor of the final "roll call" results.
- (h) Follow the field supervisors' directives.

1. Example:

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- (a) E71, Dispatch copies your emergency activation at 123 Montrose Dr
  - (b) E71, Dispatch copies your emergency activation, what's your location?
  - (c) Portable in emergency activation what's your location and identifier?
- (i) Vehicle Radio Activation
  - (a) Locate the Frequency Number or Unit Number in emergency status displayed on the active radio channel.
  - (b) Immediately broadcast the following: Dispatch copies an emergency activation from Unit Number or Unknown Vehicle (Unit #62 or unknown vehicle). Unit in emergency status identify your location?
  - (c) Immediately clear the air and activate the beeper.
  - (d) When the location and emergency status is confirmed, Dispatch two (2) field units and one (1) field supervisor to the emergency location.
  - (e) Acknowledge (silence) the emergency activation on the radio console (Red Cross w/index finger). The emergency activation should only be Knocked Down/Cleared (Red hand w/ Red Cross in the resource window) when the unit in emergency status advises he/she is okay.
  - (f) If the unit identifier and location have not been confirmed, conduct a city wide "roll call" of all FPD units in service.
  - (g) Notify the field supervisor of the final "roll call" results.
  - (h) Follow the field supervisors' directives.
    - (a) Example:
      - (a) Unit #62, Dispatch copies your emergency activation at 200 Stafford St
      - (b) Unit #62, Dispatch copies your emergency activation, what's your location?
      - (c) Vehicle with emergency activation what's your location and identifier?

#### 801.8.4 ALLIED AGENCY ACTIVATION ON FOLSOM PD RADIO CHANNELS

- (a) Locate the Frequency Number in emergency status displayed on the active FPD radio channel.

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- (b) Establish from the displayed Frequency Number what agency this frequency is associated with.
- (c) Immediately broadcast the following: Dispatch copies an emergency activation from Agency Name (i.e. Sacramento Police Department). Unit in emergency status identify your location and name.
- (d) Simultaneously clear the air and activate the beeper.
- (e) When the location and emergency status has been confirmed, Dispatch two (2) field units and one (1) field supervisor to the allied agency unit if he/she is in the City of Folsom.
- (f) If the allied unit in emergency status is in another jurisdiction, telephone the responsible law enforcement agency and notify them of the emergency status on our radio frequency but in their jurisdiction.
- (g) Immediately telephone the units responsible agency and alert them to the emergency activation on our radio channel. Provide the allied agency with the units name and/or badge number, location and circumstances / reason for the emergency activation (if known). Inform the allied agency how many FPD units are responding for back up on their units emergency activation.
- (h) Ascertain if the responsible agency is responding to the emergency location and with how many units. Relay this information to responding FPD units.
- (i) Acknowledge (silence) the emergency activation on the radio console (Red Cross w/ index finger). DO NOT Knock Down/Clear (Red hand w/Red Cross in the resource window) the activation until the unit in emergency status advises he/she is Okay and the emergency is over.
- (j) If the unit in emergency status cannot be identified and his/her location confirmed, communicate this information to the agency responsible for this unit/frequency number (i.e. Sacramento Police). Provide the responsible agency the frequency number that displayed and any radio communications FPD had with the unit in emergency status.

## **801.9 RESPONSIBILITIES**

### **801.9.1 DISPATCH SUPERVISOR**

The Chief of Police shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Administrative Lieutenant or the authorized designee.

The responsibilities of the Dispatch Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.

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1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Communications Center information for release.
- (f) Maintaining the Communications Center database systems.
- (g) Maintaining and updating the Communications Center procedures manual.
  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 contact list of City personnel to be notified in the event of a utility service emergency.

#### 801.9.2 ADDITIONAL PROCEDURES

The Dispatch Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Procurement of external services (e.g., aircraft, tow trucks, taxis).
- (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (h) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).
- (i) Handling misdirected, silent and hang-up calls.
- (j) Handling private security alarms, if applicable.
- (k) Radio interoperability issues.

#### 801.9.3 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:

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1. Emergency 9-1-1 lines.
  2. Business telephone lines.
  3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  4. Radio communications with department members in the field and support resources (e.g., allied agency law enforcement units, CAPS, Code Enforcement, Animal Control).
  5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., allied agency law enforcement units, CAPS, Code Enforcement, Animal Control).
  - (c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
  - (d) Monitoring department video surveillance systems, as time allows.
  - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
  - (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.

#### **801.10 CALL HANDLING**

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to



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initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

### **801.10.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

### **801.10.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

### **801.11 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

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#### **801.11.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Folsom Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **801.11.2 RADIO IDENTIFICATION**

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

#### **801.12 DOCUMENTATION**

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **801.13 CONFIDENTIALITY**

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

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Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

#### **801.14 TRAINING AND CERTIFICATION**

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

# Radio Codes

## 802.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the authorized radio codes for the Folsom Police Department.

## 802.2 AUTHORIZED RADIO CODES

### 802.2.1 TEN AND ELEVEN CODES

10-0 Radio Check	10-56A Suicide Attempt
10-1 Receiving Poor	10-57 Firearms Discharge
10-2 Receiving Well	10-62 Meet the Citizen
10-4 Copy/Message Received	10-65 Missing Person
10-5 Relay Message	10-65A Missing Person (Adult)
10-6 Busy	10-65C Missing Person (Child)
10-7 Out of Service	10-65J Missing Person (Juvenile)
10-8 In Service	10-66 Suspicious Pers/Circumstance
10-9 Repeat	10-70 Prowler
10-10 At Home	10-87 Meet the Officer
10-11 Clear for Confidential Traffic	10-91 Animal Complaint
10-11AD Armed and Dangerous Want	10-97 Arrived On-Scene
10-11F Felony Want	10-98 Complete last assignment
10-11M Misdemeanor Want	11-10 Routine Back
10-14 Escort	11-11 Code 3 Cover Requested
10-15 Prisoner in Custody	11-24 Abandon Vehicle
10-15X Prisoner in Custody (Female)	11-25 Road Hazard
10-16 Pick Up	11-26 Disabled Vehicle
10-19 Return to Station/Location	11-48 Provide Transportation
10-20 Location	11-54 Suspicious Vehicle
10-21 Telephone/Landline	11-80 Accident/Major Injuries
10-22 Cancel/Disregard	11-81 Accident/Minor Injuries
10-23 Stand By	11-82 Accident/No Injuries
10-27 Drivers License Check	11-83 Accident/Unknown details
10-28 Vehicle Registration Check	11-85 Tow Truck Request
10-29 Wants/Warrants Check	11-96 Traffic Stop
10-32 Time Check	11-99 Officer Needs Assistance
10-33 Emergency Traffic	Code10 Bomb Device
10-49 Proceed to	Code10T Bomb Threat

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### Radio Codes

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10-50 Report	
10-55 Dead Body	
10-56 Suicide	

#### 802.2.2 GENERAL CODES

**Code 1** - Non emergency response Obey all traffic laws

**Code 3** - Emergency Response

**Code 4** - Okay/No Assistance Needed

**Code 5** - Surveillance

**Code 7** - Mealtime

**Code 10** - Bomb/Device

**Code 10T** - Bomb Threat

**Code 30** - Unauthorized Radio Traffic

**Code CD** - Contagious Disease / Universal Precautions

**The Folsom Police Department does not recognize or authorize "Code-2" responses.**

#### 802.2.3 WANTED PERSONS/VEHICLES

**10-11** - Confidential Radio Traffic

**10-11T** - Traffic Infraction / Warrant

**10-11M** - Misdemeanor Warrant

**10-11F** - Felony

**10-11 A&D** - Armed & Dangerous

**10-11 Info** - Confidential Information

Additionally recognized Penal Code, Vehicle Code, H&S Code, and other frequently used Code sections are approved for radio use.

# Property and Evidence

## 803.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

## 803.2 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.

## 803.3 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.

### 803.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

## *Property and Evidence*

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- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

### 803.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Unit and detectives. The remaining copy will be detached and submitted with the case report.

### 803.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property and Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

### 803.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property and Evidence Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property and Evidence Technician, or placed in the bicycle storage area until a Property and Evidence Technician can log the property.

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- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 803.3.5 MEDICATIONS FOR DESTRUCTION

MEDICATION is defined as any prescription or over the counter medication.

An information sheet will be available at the front counter of the Folsom Police Department which details how to properly dispose of unused or unwanted medications consistent with the U.S. Food and Drug Administration's policies. The City of Folsom website will have information on how the public can dispose of medications themselves.

#### 803.3.6 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
  - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property and Evidence Technician shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Unit Policy).



## *Property and Evidence*

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Nothing in this policy affects weapons voluntarily relinquished after being confiscated pursuant to W&I Code 8102.

### **803.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

#### **803.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

#### **803.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test can be made on all suspected narcotics if safe to do so. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

### **803.5 RECORDING OF PROPERTY**

The Property and Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Folsom Police Department shall be noted in the property logbook.

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### **803.6 PROPERTY CONTROL**

Each time the Property and Evidence Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property and Evidence Technician at least one day prior to the court day.

#### **803.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property and Evidence Technician. This request may be filled out any time after booking of the property or evidence.

#### **803.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property and Evidence Technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Unit for filing with the case.

#### **803.6.3 STATUS OF PROPERTY**

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The Property and Evidence Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

#### **803.6.4 AUTHORITY TO RELEASE PROPERTY**

The Investigation Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

#### **803.6.5 RELEASE OF PROPERTY**

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

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Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property and Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Unit for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

#### **803.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

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### *Property and Evidence*

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#### 803.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigation Division will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

#### 803.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property and Evidence Technician shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

#### 803.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

#### 803.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

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If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Folsom Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

#### 803.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

#### **803.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

##### 803.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

##### 803.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such

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notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

### 803.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Investigations Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Criminal Investigations Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

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### **803.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department shall be conducted by a Bureau Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

# E911 Call Handling

## 804.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the policy and procedure for answering, and responding to E9-1-1 hang-up calls received within the communication center.

## 804.2 POLICY

It is the policy of the Folsom Police Department that 911 telephone calls received by the communication center shall be answered as expeditiously as possible and in a professional and courteous manner. 911 lines shall be the dispatchers' first priority of all incoming telephone calls. 911 lines SHALL be answered within three rings.

### 804.2.1 DEFINITIONS

ALI - Automatic Location Information

ANI - Automatic Number Identification

CAD - Computer Aided Dispatch

CW - California Wireless

E911 (Enhanced 911) - An emergency telephone system that displays a callers name, phone number, location and responsible emergency services for a specific location

ESRD - Emergency Services Routing Digit

ESRK - Emergency Services Routing Key

GSM - Global Standard Metric

LAT - Latitude

LON - Longitude

NENA - National Emergency Number Association

PANI - Pseudo Automatic Number Identification

PSAP - Public Safety Answering Point

SRO - School Resource Officer

TSP - Telematic Service Provider

W911 - Wireless Phase I (address of cell phone tower only)

WPH2 - Wireless Phase II (latitude/longitude of caller)

WSP - Wireless Service Provider

VoIP - Voice Over Internet Protocol

VSP - VoIP Service Provider



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VPC - VoIP Positioning Center

911 - Dedicated telephone lines, designated specifically for in-coming emergency calls

#### **804.3 PROCEDURE**

A computer-aided dispatch (CAD) event will be created for each 911 hang-up call received within the center. The ANI/ALI provided by the E911 system will be documented within the CAD event by utilizing the CAD "F9" function key (911 ANI/ALI copy over). A 911 hang up can be:

- (a) 911 calls received with no voice, call is disconnected or is an open line.
- (b) 911 calls received with sounds of a struggle in the background, call is disconnected.
- (c) 911 calls received from a child, call is disconnected or is an open line.

##### **804.3.1 CALL FROM RESIDENCE OR BUSINESS**

The dispatcher will attempt to call back the telephone number displayed on the E911 system and make contact with the caller. If the caller is contacted, the dispatcher will complete the following:

- (a) Obtain the name of the person answering the phone. Log the name of the person in the CAD event.
- (b) Ascertain if anyone at the location dialed 911 for assistance.
- (c) If so, what type of assistance is required- Police, Fire or Medical?
- (d) If the line is busy, request an emergency interrupt by the telephone company operator.
- (e) If the responsible party is an adult and it is determined the call was made in error (caller misdialed, child playing with the phone, etc.), an officer will not be dispatched to the location.
- (f) If the caller hangs up, and the dispatcher is unable to contact anyone at the location or determine if a problem exists, an officer(s) shall be dispatched to the location for further investigation.

##### **804.3.2 CALLS RECEIVED FROM PAYPHONES**

When a 911 hang-up call is received from a pay phone, a CAD event will be created and all ANI/ALI information included in the event. The dispatcher will then complete the following:

- (a) Call back the telephone number displayed on the ANI/ALI display.
- (b) Ascertain if anyone at the location dialed 911 for assistance?
  - 1. If so, what type of assistance is required- Police, Fire or Medical?
- (c) If the responsible party is an adult and it has been determined the call was made in error (caller misdialed, child playing with phone, etc) an officer will not be dispatched to the location.

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### *E911 Call Handling*

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- (d) If the dispatcher is unable to make contact with a responsible party, an officer will be dispatched to the location for further investigation.

#### **804.3.3 PUBLIC SCHOOLS DURING SCHOOL HOURS**

For 911 hang up calls made from a pay phone at a public school during normal school hours:

- (a) Notify an adult school official or school resource officer (SRO) to check the telephone from where the call originated.
- (b) Advise the school official to call 911 back and advise the dispatcher of his/her findings.
- (c) Record the official's name and his/her findings in the CAD event.
- (d) Dispatch an officer if an SRO or school official is unable to investigate.

#### **804.3.4 CALLS FROM DOMESTIC VIOLENCE FLAG OR PREVIOUS HISTORY**

When a 911 hang up call is received from an address or phone number which has been flagged with violence, domestic violence, or BOLO information, the dispatcher shall dispatch an officer to the location.

- (a) Call back the telephone number displayed on the E911 ANI/ALI display.
- (b) Obtain the name of the person answering the phone. Log this information into the CAD event.
- (c) If the line is busy, request an emergency interrupt by the telephone company operator.
- (d) Ascertain if anyone at the location dialed 911 for assistance.
- (e) If so, what type of assistance is required- Police, Fire or Medical?
- (f) If Police, dispatch an officer to the location.
- (g) Relay prior "history" and new information to responding officer.

An officer will be dispatched to the location; even if the person answering the phone says the call was in error. If the caller hangs up, and the dispatcher is unable to contact anyone at the location or determine if a problem exists, advise the responding officers(s).

#### **804.4 WIRELESS PHONE CALLS**

Folsom Police dispatchers should make all reasonable efforts to verify the existence of an emergency, the location of the emergency, and dispatch or otherwise coordinate an appropriate response based on the circumstances of each 9-1-1 call received via a Wireless Service Provider (WSP).

There are two (2) types of wireless 9-1-1 calls: Phase 1 (W911) and Phase II (WPH2).

**Phase 1 (W911):** ALI information is the cell tower address ONLY and the cell sector direction the call is coming from on that cell tower. The latitude/longitude coordinates return to the location of the tower. The meters and percentage are irrelevant.

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**Phase II (WPH2):** ALI information is the cell tower address, cell sector direction, along with latitude/longitude coordinates of the approximate location of the caller. Meters and accuracy percentage are relevant. 1709 meters= 1 mile 108 yards.

### 804.4.1 CREATING A CAD INCIDENT

Wireless 9-1-1 calls will require manual entry of the incident and caller information. The only way to determine the callers' location is to ask them, or use the map coordinates (latitude/longitude on a WPH2 call) to plot their approximate location when available. The only reason to use the cellular phone tower address is when the dispatcher is handling a silent call, abandoned call, or other circumstance when having police units check the area covered by a cellular site or sector for a possible emergency. If the caller tells the dispatcher their location, enter that information into CAD. If the dispatcher must use the latitude/longitude information, the nearest address or intersection will be entered as the address of the location.

#### Retransmit/Rebid to Obtain Handset Coordinates and Location

Select the retransmit button on the telephone system monitor. Once the ALI screen refreshes, the ALI screen should read "WPH2". If it is a WPH2 call and the caller is moving, the dispatcher should retransmit/rebid frequently during the call in order to stay current with the caller's location. If phase II information is not available, the screen will still read "W911" and no updated longitude/latitude will be displayed.

### 804.4.2 WIRELESS CALLS FROM PRISONS

Identify the location of the caller utilizing the mapping system. Notify prison officials of the location of the call and any other information you may obtain about the caller, such as a name.

### 804.4.3 UNINITIALIZED WIRELESS HANDSETS

Federal law requires that WSP's deliver any 9-1-1 call originating on their systems to a Public Safety Answering Point (PSAP). This not only allows the WSP's direct customers access to 9-1-1 via their network, it accommodates roaming customers from other providers.

An important note: uninitialized wireless phones can dial 9-1-1. The only warning a dispatcher will receive is the prefix of (911) and a pseudo number of some kind that is associated with that particular handset.

A phone is considered "uninitialized" and will show (911) as the area code, under the following circumstances:

1. Customer purchases wireless phone services and later discontinues service. The telephone number is removed from the phone by the WSP, but the phone is still capable of dialing 9-1-1.
2. The phone is roaming and the phone number connected to the call is not the number of the caller. If the caller is roaming, dispatch will not get what appears to be, a valid phone number to call them back. This call will begin with a 911 prefix. Any attempt made using the 911 prefix, will result in getting the wrong person.

## *E911 Call Handling*

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3. Customer buys a wireless phone, but does not subscribe to a wireless service provider. No telephone number is ever assigned to this phone, but the phone is still capable of dialing 9-1-1.
4. Customer replaces their old wireless phone with a new handset, and keeps the old hand set. Their telephone number is transferred to the new handset, so the old handset no longer has a telephone number assigned to it. The phone is still capable of dialing 9-1-1.
5. Customer donates an old handset to a charity; the charity in turn donates it to an at-risk person (domestic violence victim, senior citizen, etc) for use in an emergency. The original telephone number is stripped from the handset, but the handset is still capable of dialing 9-1-1.
6. Customer buys a "9-1-1 only" phone handset. They generally pay the one-time cost of the phone and no monthly charges. The handset is never assigned a telephone number, but the phone is still capable of dialing 9-1-1.
7. Customer buys a disposable wireless phone, sometimes referred to as "Trac" phones. The phone has a preset number of minutes and can make outgoing calls only. This phone is capable of dialing 9-1-1.

In each of these scenarios, the handset can dial 9-1-1, but no actual real telephone number is displayed to the dispatcher, nor is there any way to dial into that handset if the call is disconnected. Unfortunately, there is no way to identify the caller through other means that might normally be available (e.g. through the WSP customer data base). A dispatcher can call the WSP to see if there is a record of who may have owned that telephone prior to it becoming uninitialized if the device was disconnected for non-payment

### 804.4.4 WIRELESS CALL HANDLING MATRIX

[See attachment: Wireless Call Handling Matrix FPPM 805.jpg](#)

### 804.4.5 VOICE OVER INTERNET PROTOCOL (VOLP)

VOIP calls are distinguished by the code VOIP on the ALI screen. The phone number, caller's self reported address, name and VPC phone number. The address displayed on the ALI screen of a VOIP call is an address that the subscriber manually inputs into their account. They can change this address at any time. The call is generated using an internet connection and can be made from anywhere with internet access if the caller has their internet capable device with them. The subscriber may add additional miscellaneous information to their account that will display on the ALI screen when a 911 call is made.

1. If a hang-up call is received, a callback shall be made to the displayed number. If no contact is made, a message should be left including information identifying the dispatcher as an employee of the Folsom Police Department and a callback number.
2. A CAD event shall be created using the location information provided and dispatched according to established procedures.

Voice Over Internet Protocol is a service that is now being marketed by a number of internet providers. This means that the customer has telephone service over the internet, and through

### *E911 Call Handling*

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their personal computer. Because this may be a laptop and mobile (like a cellular telephone), it is important for dispatchers to understand the service is not tied to a specific geographic location.

Citizens may call 9-1-1 using the VoIP system. The dispatcher will see this on the regular 9-1-1 trunk lines. While the impact is minimal, the information seen on the ANI/ALI screen is different than a standard landline 9-1-1 call.

Dispatchers routinely confirm the location of the caller, this is especially important with VoIP calls.

#### 804.4.6 TELEMATIC SERVICE PROVIDER

Telematic Service Providers (i.e. OnStar), with permission from the State of California 911 Office, may deliver emergency calls to PSAP's via 9-1-1 lines.

Telematic Service Providers provide a subscription based on communications, monitoring and tracking service offered to owners of vehicles of some automobile manufacturers. Occupants of the vehicle can use its audio interface to contact representatives for emergency services, vehicle diagnostics and directions. Automatic notification to representatives can be made if the vehicle is involved in a collision.

If a TSP representative receives a call that is determined to be an emergency, they can route the call to the appropriate PSAP via the 9-1-1 network based on the LAT/LON that is received from the GPS of the involved vehicle. Once connected to the PSAP, the TSP representative will remain on the line to provide assistance until the call is finished. The representative may provide the call taker with the location and/or LAT/LON of the involved vehicle if that information is not displayed on the ALI screen.

A CAD event should be created as necessary, based on the information received. If the call has reached the wrong PSAP, the call taker may release the call back to the TSP representative for proper routing.

## Records Unit

### **805.1 PURPOSE AND SCOPE**

This policy establishes the guidelines for the operational functions of the Folsom Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

### **805.2 POLICY**

It is the policy of the Folsom Police Department to maintain department records securely, professionally, and efficiently.

### **805.3 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by officers of the Folsom Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Investigation Lieutenant. The Investigation Lieutenant should promptly review the investigation and determine if a finding of factual innocence is plausible. If so, the Investigation Lieutenant should confer first with the City Attorney's Office and then, if the facts warrant, the prosecuting attorney. (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion affirming factual innocence, the Investigation Lieutenant shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records 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 Records Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

### **805.4 FILE ACCESS AND SECURITY**

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Watch Commander.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

### *Records Unit*

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#### **805.5 CONFIDENTIALITY**

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

#### **805.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Operations Bureau Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

# Everbridge Notification

## 806.1 GUIDELINES

Everbridge Citizen Notifications shall be used for official public safety and /or emergency notifications only. Messages can be tailored for content and for the physical area to be reached.

Appropriate uses of the system are, but not limited to:

- Crime alerts providing urgent information pertaining to public safety with the intent to protect lives and/or property of the citizens of Folsom and the Sacramento Region.
- Missing children and/or adults in imminent danger (i.e. AMBER alert).
- Community evacuation (or recommended action) instructions for critical events, natural or man-made (i.e. flooding, hazardous material spills, barricaded hostage situations)
- Other types of time critical incidents and/ or messages deemed an emergency by Public Safety Administrators.

Inappropriate uses of the system are, but not limited to:

- Notification to neighborhoods regarding meetings or public events not pertaining to public safety.
- Political messages and/or telemarketing
- Notifications regarding minor incidents or missing persons where no immediate threat of death or injury to the missing party.

Members should also consider the time of day when deciding whether or not to send an alert. Requests for Everbridge notifications must be approved by a supervisor.

## 806.2 FOLSOM POLICE DEPARTMENT ACTIVATIONS

The Watch commander will

- contact the Communications Center with a request for a notification
- determine the geographic area to be covered
- determine any specific verbiage for the notification
- initiate a cancellation of the emergency notification, if necessary



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### **806.3 OUTSIDE REQUESTS**

When contacted by an outside agency, or by another department within the City of Folsom to send an Everbridge Notification, the request must be made from a manager or supervisor within that department/agency. A Communications Supervisor, Watch Commander or member of Command Staff will authorize or deny the request.

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## Local Arrest History

### 807.1 PURPOSE AND SCOPE

The purpose of this General Order is to comply with State and Local requirements and standards for obtaining and viewing local arrest history contained in the Sacramento County Repository Arrest History (PF3).

### 807.2 DEFINITIONS

**PF3 or LOCAL** - Defined as local *Arrest* history listed in the Sacramento County Repository computer system.

**CORI** - Criminal Offender Record Information is defined in Penal Code section 11075 as summary information relating to arrests, pretrial proceedings, sentencing information, incarcerations, patrol and probation.

**CJIS** - Criminal Justice Information system

**CLETS** - California Law Enforcement Telecommunications System

### 807.3 POLICY

It shall be the policy of the Folsom Police Department to maintain strict control of local *Arrest* Criminal Offender Record Information (CORI). State and/or local CORI is provided to the Folsom Police Department on a *right to know* and *need to know* basis for their official duties.

It is unlawful to release or furnish local or state criminal history information to anyone not authorized by law to receive such information.

### 807.4 AUTHORIZED INFORMATION

The following brief summary of the PF3/Local arrest history shall be the only authorized information aired via the Folsom Police Department's radio system:

187PC, Major Assaults (including Sex Crimes), Weapons, H&S, 5150 WIC, and Felony Vehicle history.

### 807.5 PROCEDURE

Local CORI arrest history (PF3) can only be accessed through the Sacramento County Repository Computer System. The following approved guidelines will be adhered to for requesting PF3/Local arrest history.

- (a) Officers shall only request PF3/Locals when currently assigned to a call for service. Officers not currently assigned to a call for service will be assigned to one by dispatch.
- (b) Officers will specifically ask for PF3/Locals checks, Dispatch will not arbitrarily check PF3/Local arrest history when running an individual through CJIS, unless the call for service is of a "priority" or "violent" nature.

## *Local Arrest History*

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- (c) Officers requesting PF3/Locals checks that are currently assigned to a call for service shall receive the approved brief summary of PF3/Local information. An individual's entire (including routine VC history) PF3/Local arrest history will not be aired.
- (d) Misdemeanor priors (488PC etc) will only be permitted when the prior misdemeanor violation directly relates to the Officers' existing pending charges and/or investigation. Driver license records will be utilized to obtain priors for routine traffic violations and convictions, 14601VC and 23152VC history.
- (e) Officers conducting routine traffic stops will not request PF3/Locals checks unless extenuating circumstances dictate the need for that information. If circumstances dictate, they will receive the approved brief summary of PF3/Local information via the radio.
- (f) Officers requesting complete PF3/Locals check (traffic and misdemeanors) shall utilize the telephone for those request and returns.
- (g) Officers at headquarters shall query PF3/Locals on their own from an available repository terminal within the building.

### **807.6 REQUEST AUTHORIZATION**

Dispatchers are not authorized to receive Local (PF3) CORI at will. However, Dispatchers are authorized to inquire into PF3/Local on their own, when a call for service is of "priority" or "violent" in nature.

# Records Maintenance and Release

## 808.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

## 808.2 POLICY

The Folsom Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

## 808.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

## *Records Maintenance and Release*

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### **808.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

#### **808.4.1 REQUESTS FOR RECORDS**

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
  - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
  - 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (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.

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### *Records Maintenance and Release*

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

#### **808.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
  1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
  2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
  1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of

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- all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
  - (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
    1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
  - (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
    1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.
  - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
  - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
  - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
  - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
  - (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
  - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

#### **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 Records Supervisor, who may consult the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **808.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

#### **808.8 SEALED RECORD ORDERS**

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

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



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ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

### **808.8.1 SEALED JUVENILE ARREST RECORDS**

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

### **808.9 SECURITY BREACHES**

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
  - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
  - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
  - 3. Medical information
  - 4. Health insurance information
  - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
  - 6. Unique biometric data
  - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

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#### 808.9.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
  - 1. The date of the notice.
  - 2. Name and contact information for the Folsom 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 Folsom Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
  - 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
  - 2. When the breach involves an email address that was furnished by the Folsom 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 does not have

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sufficient contact information. Substitute notice shall consist of all of the following:

- (a) Email notice when the Department has an email address for the subject person.
  - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

#### **808.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

##### **808.10.1 DELAY OF RELEASE**

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

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#### 808.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

#### 808.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

#### 808.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

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- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

#### **808.11 VIDEO RELEASE GUIDELINES**

Video recordings, other than criminal evidence, will be released according to the California Public Records Act, subject to all statutory limitations, including those noted above. This applies to Body Worn Camera, in-car video, traffic camera footage and exterior surveillance video (provided the release does not compromise safety. Anyone seeking video may make the request through the Records Unit.

#### **808.12 DETENTION CERTIFICATES**

A detention certificate will be issued to any person arrested and released if the District Attorney's Office declines to file charges. (Penal Code § 849.5; Penal Code § 851.6(b).)

Any reference to the action as an arrest shall be deleted from the arrest records of the Department and the Department of Justice. Thereafter, any record of the action shall refer to it as a detention.

A detention certificate will be created and mailed to the individual who was detained.

## Protected Information

### 810.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Folsom Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

### 810.2 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Folsom Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### 810.2.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

#### 810.2.2 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 Unit
- (d) Personnel specifically designated in writing by Bureau Commanders with the concurrence of the Criminal Records Security Officer

#### 810.2.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

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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.

### **810.3 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **810.3.1 REVIEW OF CRIMINAL OFFENDER RECORD**

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

### **810.4 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

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- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

#### **810.4.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

#### **810.5 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.

##### **810.5.1 PROCEDURE**

All criminal history information (CII and FBI/III) is accessed through the Criminal Offender Record Information (CORI). CORI information shall only be accessed through the Folsom Police Department Computer Aided Dispatch (CAD) or the Sacramento County Repository computer systems.

When CORI information (CII) is requested via the Criminal Justice Information System (CJIS) through CAD or the Sacramento County Repository System, the routing (RTE) data field shall contain the following information:

Case number, Purpose for request or Crime, Officers badge number.

Examples: 021234 (case number) 459PC(crime) 155 (badge number)

021234 (case number) 261PC Arrest (crime) 155 (badge number)

021234 (case number) 459PC Invest (crime) 155 (badge number)

When CORI information is requested via an FBI or Interstate Identification Index (III), the purpose (PUR) data field shall always be "C" for criminal. The attention (ATN) data field shall contain the following information:

Case number, Purpose for request or crime, Officers badge number.



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#### 810.5.2 DOCUMENTATION / LOG BOOK

CII and FBI/III rap sheet requests shall be documented on the log sheet contained in the "Criminal History System (CHS) Log Book". The log sheet will be completed every time a CII or FBI/III is requested, the log sheet will be filled out in the following manner:

1. RAP/ FBI/III: Check the appropriate box.
2. DATE: Fill in the date of the request.
3. NAME: The name of the individual that the information was requested on.
4. CII/FBI/III#: The individuals CII, FBI or III number
5. CASE # The case number reference for the purpose

#### 810.6 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

#### 810.7 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

# Computers and Digital Evidence

## 811.1 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.

## 811.2 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) Contact a department forensic computer examiner, if available, to evaluate the need to respond and gather potential evidence prior to computer shutdown.
- (c) 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.
- (d) If the computer is off, do not turn it on.
- (e) 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).
- (f) Label each item with case number, evidence sheet number, and item number.
- (g) 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.
- (h) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (i) At minimum, officers should document the following in related reports:
  1. Where the computer was located and whether or not it was in operation.

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2. Who was using it at the time.
  3. Who claimed ownership.
  4. If it can be determined, how it was being used.
- (j) 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.

### **811.2.1 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.

### **811.2.2 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.

### **811.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request a forensic computer examiner to copy the contents to an appropriate form of storage media.

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- (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.

### **811.4 SEIZING PCDS**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.
- (d) Officers may access the device in a limited manner, when legally justified, to place the device in airplane mode, remove a passcode lock, or make similar changes to preserve future access to the device and prevent the destruction of evidence. Officers shall document any such activity and the justification.

### **811.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers shall upload digital evidence to the LYNX digital evidence management system as soon as practicable after obtaining the evidence. Any copy of digital media taken from the LYNX system shall be for official purposes only. Digital images that are enhanced to provide better quality photographs for identification and investigative purposes must only be made from a copy of the original media. In that event, both the original and the enhanced version must be booked into evidence.

# Animal Control

## 817.1 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

## 817.2 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
  - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
  - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
  - 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

## 817.3 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

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Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

### **817.4 INJURED ANIMALS**

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

#### **817.4.1 VETERINARY CARE**

The injured animal should be taken to a veterinarian as follows:

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.
- (c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

#### **817.4.2 INJURED WILDLIFE**

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

#### **817.4.3 RESCUE OF ANIMALS IN VEHICLES**

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

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- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

#### **817.4.4 VETERINARY CARE**

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- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
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Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

#### **817.4.5 INJURED WILDLIFE**

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#### **817.4.6 RESCUE OF ANIMALS IN VEHICLES**

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- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

#### **817.5 AUTHORIZED WEAPONS FOR ANIMAL CONTROL OFFICERS**

In compliance with Penal Code 830.9 Animal Control Officers are authorized access to an agency approved firearm after having completed approved instructions on the laws of arrest and the use of firearms under Penal Code 832.

The Folsom Police Department issues Animal Control Officers a weapon. The ACO is required to store the weapon in the department armory, or in the weapon lock in the vehicle, except in the

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performance of his or her duty to dispatch a dangerous, sick or injured animal. The authorized ammunition for use in ACO firearms shall be determined by the Range Master. The ACO shall range qualify per requirements established by the Department Range Master.

### **817.6 POLICY**

It is the policy of the Folsom Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### **817.7 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

### **817.8 POLICY**

It is the policy of the Folsom Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### **817.9 ANIMAL CRUELTY COMPLAINTS**

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- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

### **817.10 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

### **817.11 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.



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### **817.12 STRAY DOGS**

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

### **817.13 STRAY DOGS**

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

### **817.14 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

### **817.15 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

### **817.16 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

### **817.17 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

### **817.18 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

### *Animal Control*

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#### **817.19 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

## **Chapter 9 - Custody**

# Custodial Searches

## 901.1 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 Folsom Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

### 901.1.1 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.

## 901.2 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.

## 901.3 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 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.

## *Custodial Searches*

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### **901.4 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Folsom 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.

#### **901.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

### **901.5 STRIP SEARCHES**

No individual in temporary custody at any Folsom Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

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### *Custodial Searches*

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#### 901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Folsom Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Watch Commander.
  - 4. The name of the individual who was searched.
  - 5. The name and sex of the members who conducted the search.
  - 6. The name, sex and role of any person present during the search.
  - 7. The time and date of the search.
  - 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.

## *Custodial Searches*

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- (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 (Penal Code § 4030(f)).
- (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 (Penal Code § 4030(i)).

### **901.5.2 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.

### **901.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (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 (Penal Code § 4030(h)). 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 (Penal Code § 4030(k)).
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present (Penal Code § 4030(l)).

## *Custodial Searches*

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- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Watch Commander's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any department members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative (Penal Code § 4030(i)).

### **901.7 TRAINING**

The Training Officer shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.



# Prison Rape Elimination

## 903.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against detainees or prisoners in the Folsom Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

### 903.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the detainee, prisoner, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of a detainee, prisoner, or resident
- Voyeurism by a staff member, contractor, or volunteer

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee, prisoner, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

### **903.2 POLICY**

The Folsom Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Folsom Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

### **903.3 PREA COORDINATOR**

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the Folsom Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
  - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
  - 3. A process to document all referrals to other law enforcement agencies.
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  - 5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
  - 1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment, or retaliation.
- (h) Publishing on the department's website:
  - 1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).
  - 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
  - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
  - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees or prisoners overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

### **903.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION**

Detainees or prisoners may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

#### **903.4.1 MEMBER RESPONSIBILITIES**

Department members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

#### **903.4.2 WATCH COMMANDER RESPONSIBILITIES**

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

#### **903.5 INVESTIGATIONS**

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

##### **903.5.1 FIRST RESPONDERS**

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

#### 903.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Folsom Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

#### 903.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

#### 903.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and

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regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

### **903.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

### **903.6 RETALIATION PROHIBITED**

All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

### **903.7 REVIEWS AND AUDITS**

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### 903.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

### 903.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be



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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Folsom Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

### **903.8 RECORDS**

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

### **903.9 TRAINING**

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Officer shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Officer shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

## **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 Folsom 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 Folsom Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.3 RECRUITMENT

The Administration Bureau Commander should coordinate with the City's Human Resources Department to employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

## 1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
  - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
  - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment

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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 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Folsom Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

##### **1000.5.1 BACKGROUND INVESTIGATION UPDATE**

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Folsom Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

##### **1000.5.2 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

##### **1000.5.3 STATE NOTICES**

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

##### **1000.5.4 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Bureau Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

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The Administration Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### **1000.5.5 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall reference the Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Bureau Commander for final review and submission to POST (11 CCR 1953).

### **1000.5.6 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

### **1000.5.7 INVESTIGATOR TRAINING**

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

## **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior

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- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

#### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

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- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  - 1. Reading and writing ability assessment (11 CCR 1951)
  - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

#### **1000.7.2 STANDARDS FOR DISPATCHER**

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

#### **1000.8 PROBATIONARY PERIODS**

The Administration Bureau Commander should coordinate with the Folsom 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.



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## Evaluation of Employees

### 1002.1 POLICY

The Folsom Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

### 1002.2 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and 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.

#### 1002.2.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

## *Evaluation of Employees*

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### **1002.3 FULL TIME PROBATIONARY PERSONNEL**

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary personnel serving a twelve (12) month evaluation period and entry level dispatchers serving an eighteen (18) month evaluation period should receive formal evaluations every three (3) months.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

### **1002.4 FULL-TIME PERMANENT STATUS PERSONNEL**

Permanent employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

#### **1002.4.1 RATINGS**

The definition of each rating category is as follows:

**Performing Exceptionally And Teaching Others How To Perform Exceptionally** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Performing Exceptionally** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

**Meets Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

### *Evaluation of Employees*

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**Not Observed** -The specific area is not expected to be performed for the employees assignment and/or class.

Space for written comments is provided at the end of the evaluation in the narrative section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

#### **1002.5 EVALUATION PROCESS**

The evaluation process begins with the supervisor sending the employee a self-appraisal form to complete and return, along with training records for the evaluation period. The supervisor then reviews the relevant records and files, then arranges a private discussion with the employee regarding the employees performance. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have, specifically discussing any areas that may need improvement. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor should consider the feedback from the employee in writing the preliminary evaluation.

After the supervisor finishes the discussion with the employee, the preliminary performance evaluation is completed and forwarded to the rater's supervisor. The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given. The evaluation is routed through the employee's chain of command, then returned to the employee's supervisor for a final meeting with the employee for explanation and the employee's signature. 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.

#### **1002.6 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

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# Grievance Procedure

## 1005.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

### 1005.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

## 1005.2 PROCEDURE

The grievance procedure is outlined in each employee's Memorandum of Understanding.

# Reporting of Employee Convictions

## **1009.1 PURPOSE AND SCOPE**

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## **1009.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS**

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## **1009.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS**

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

## **1009.4 REPORTING PROCEDURE**

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

## *Reporting of Employee Convictions*

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officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

### **1009.5 PROCEDURE FOR RELIEF**

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

#### **1009.5.1 NOTIFICATION REQUIREMENTS**

The Professional Standards Unit Sergeant shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Professional Standards Unit Sergeant shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

## Drug- and Alcohol-Free Workplace

### 1011.1 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1011.1.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

#### 1011.1.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

### 1011.2 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).

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### **1011.3 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **1011.4 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

### **1011.5 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

#### **1011.5.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### **1011.5.2 DISCIPLINE**

An employee may be subject to disciplinary action if the employee:



## *Drug- and Alcohol-Free Workplace*

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- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

### **1011.6 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **1011.7 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

## Sick Leave

### 1013.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

### 1013.2 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Medical appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1013.2.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246 ).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### 1013.3 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

## *Sick Leave*

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Nothing in this section precludes a supervisor from requiring a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

### **1013.4 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

### **1013.5 REQUIRED NOTICES**

The Department shall coordinate with the Human Resources Department to ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

# Annual Leave

## **1014.1 PURPOSE AND SCOPE**

In order to maintain an adequate staffing level for emergency services, it is important that the Department establish guidelines for the request of annual leave. This policy establishes procedures for the effective implementation of the Annual Leave Policy. This policy should be read in conjunction with City Personnel rules and with the current MOU, which prevails in the event of a conflict.

## **1014.2 SCHEDULING ANNUAL LEAVE FOR THE OPERATIONS DIVISION**

To assure adequate police coverage at all times, the following procedure will be adhered to when scheduling annual leave on a biannual calendar year basis. Deviations or exceptions to this policy may be permitted by the Operations Division Commander.

## **1014.3 EXTENDED ANNUAL LEAVE - MAXIMUM NUMBER OFF**

Leave may be granted as long as minimum staffing is maintained. Minimum staffing levels are designated for various shifts and time period on the department schedule, which is kept on the network.

## **1014.4 ANNUAL LEAVE PROCESS**

Bidding for annual leave will coincide with the biannual shift bid. The first bid period will be for the January through June shift cycle. The second bid period will be for the July through December shift cycle. Annual Leave requests shall be granted after the biannual shift schedule has been completed.

Officers with greater seniority will be given preference over those with less seniority in the selection of an Extended Annual Leave period.

Officers will submit their first, second, and third choices to the scheduling sergeant using the Annual Leave Request Form.

After the annual leave bid, and with the approval of the officer's supervisor, any officer assigned to Day Shift, Mid Shift, Swing Shift, or Graveyard Shift may take annual leave days of the officer's choice as long as minimum staffing is maintained. Minimum staffing levels are designated for various shifts and time period on the department schedule

No leave exceeding 3 weeks in duration may be granted without the approval of the Chief of Police.

## **1014.5 PROFESSIONAL STAFF EMPLOYEES**

Supervisors of Professional Staff employees are responsible for determining the number of personnel that can be off without diminishing service delivery.

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#### **1014.6 CRIMINAL INVESTIGATIONS BUREAU (CIB)**

Supervisors of CIB employees are responsible for determining the number of personnel that can be off without diminishing service delivery.

# Communicable Diseases

## 1015.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1015.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Folsom Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1015.2 AEROSOL TRANSMISSIBLE DISEASE CONTROL PROCEDURES

### Policy

The intent of the City of Folsom Aerosol Transmissible Diseases (ATD) Control Procedures is to promote safe work practices and to provide an environment that reduces occupational exposure to ATDs such as tuberculosis (TB), severe acute respiratory syndrome (SARS), meningitis, pertussis (whooping cough), and seasonal influenza. The objectives of the procedures are to: Protect our employees from the illnesses associated with ATDs Provide appropriate treatment and counseling following an employee exposure incident These procedures have been established in accordance with the Cal/OSHA ATD regulation, California Code of Regulations (CCR), Title 8, Section 5199, and as provided in FPPM 1016.2.1.

### Scope

The ATD regulation applies to police services provided during: Transport or detention of persons reasonably anticipated to be ATD cases Services provided in conjunction with health care or public health operations Police services are considered a "referring employer" under the regulation if the following conditions are met: There is a process in place to screen persons for further evaluation by a health care provider based on readily observable ATD signs and symptoms Suspected ATD cases are referred or transported to a facility that can provide appropriate diagnosis, treatment, and isolation Non-medical transport only is provided (i.e. medical services are not expected to be provided)

### Responsibilities

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Chief of Police The Chief of Police has the responsibility to: Designate the ATD Administrator Allocate resources and support to appropriately implement the ATD procedures including annual employee training Ensure employees comply with ATD procedures Review the results of the annual ATD procedure review and correct deficiencies if necessary

ATD Administrator The Administrative Sergeant is the designated ATD Administrator and has the authority and full support of the Chief of Police to perform these duties. In absence of the ATD Administrator, and where time-sensitive tasks must be performed, any supervisor should complete the duties as reasonable, and inform the ATD Administrator. The Administrator has the responsibility to: Acquire knowledge in infection control principles and practices as they apply to the police department's facilities and operations Provide information on health alerts and community outbreaks from the local health officer to employees. Ensure ATD procedures are implemented in the department Determine department-specific methods for source control, cleaning/disinfection of work areas and vehicles, and referrals Implement communication procedures to inform employees and other employers involved in the exposure incident who may have had contact with the ATD case Document exposure incidents and implement the post-exposure evaluation process for affected employees Ensure employees receive initial and annual training in ATD procedures Offer required vaccinations and TB testing annually Maintain all required records for the ATD procedures, including employee medical records Conduct an annual review of the ATD procedures and provide a summary to the Chief

Watch Commanders/Supervisors Watch commanders/supervisors have the responsibility to: Ensure compliance with the ATD procedures for employees under their direct supervision and control Provide training to employees on department-specific safe work practices to reduce exposure to ATDs Ensure employees attend initial and annual training sessions Monitor the post-exposure evaluation process where an exposure incident has occurred

Police Officers/Employees All exposed police officers and employees have a responsibility to: Recognize signs and symptoms of ATDs based on screening procedures Comply with safe work practices when exposure to a suspected ATD case occurs Provide input regarding the effectiveness of the procedures to the ATD Administrator, including input during the annual review Attend annual ATD training Receive vaccinations and annual TB testing offered by the department Follow post-exposure evaluation procedures if an exposure incident occurs

Occupational Exposure Determination Cal/OSHA defines an occupational exposure as exposure from work activity or working conditions that is reasonably anticipated to create an elevated risk of contracting an ATD if protection measures are not in place. The following units/divisions at the City of Folsom have the potential for occupational exposure as defined in the regulation: Sworn personnel includes special operations, patrol, investigation, and K-9 units Non-sworn personnel performing tasks that meet the definition of an occupational exposure include CSO and property & evidence. In some instances, dispatch personnel may be exposed if requested to assist with a female suspect.

Screening Procedures (Health Care Providers Not Available) The police department will initiate non-medical screening procedures based on readily observable symptoms and/or self-reports of

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the following conditions: Persistent cough for more than three weeks Signs and symptoms of a flu-like illness between March and October (non-seasonal flu months) or for more than two weeks any time of year; flu-like symptoms include coughing, fever, sweating, chills, muscle aches, weakness, malaise, or a combination. Person states he or she has a transmissible respiratory disease or an infectious ATD case, excluding the common cold and seasonal flu The department screening criteria below are appropriate for persons in custody with suspected ATD. Screening may be performed at department facilities or in the field prior to transport where feasible. The privacy of the person(s) must be maintained during screening procedures.

Screening a potential TB case: Cough for more than three weeks and one or more of the following symptoms: Unexplained weight loss (>5 lbs) Night sweats Fever Chronic fatigue/malaise Coughing up blood A person who has had a cough for more than three weeks and who has one of the other symptoms must be referred to a health care provider for further evaluation unless that person is already under treatment. Consider referring a person with any of the above symptoms if there is no alternative explanation. Screening other potential ATD cases: Other vaccine preventable ATDs, including pertussis, measles, mumps, rubella ("German measles"), and chicken pox, should be considered. The following is a brief list of some findings that should prompt referral to a health care provider for further evaluation when identified through a screening process: Severe coughing spasms, especially if persistent; coughing fits may interfere with eating, drinking, and breathing Fever, headache, muscle aches, tiredness, poor appetite followed by painful, swollen salivary glands on one side or both sides of face under jaw Fever, chills, cough, runny nose, watery eyes associated with onset of an unexplained rash (diffuse rash or blister-type skin rash) Fever, headache, stiff neck, possibly mental status changes Note: Seasonal influenza does not require referral. Examples of diseases requiring transfer to a health care facility include TB, SARS, measles, chicken pox, and pertussis. Any person who exhibits any of the above described findings and/or reports contact with individuals known to have any of these transmissible illnesses in the past two to four weeks should be promptly evaluated by a health care provider. Proceed to the Referral Procedures Section. Health officials may periodically issue alerts for community outbreaks of other diseases. Local public health authorities will provide screening criteria that will be communicated by the ATD Administrator to employees. Referral Procedures The ATD Administrator and/or on-duty Watch Commander will be notified of a suspected ATD case requiring referral to a health care facility for further evaluation. If the ATD Administrator is not available, the designated department backup will assume the responsibilities. Immediately implement the source control and transmission reduction procedures until the person can be transferred.

Source Control and Transmission Reduction Procedures The department will provide temporary control measures to protect employees during the period of time when a person requiring referral is waiting for transfer to another facility. These procedures have application in department facilities as well as in field operations where feasible. Separation and masking of potential ATD source The station does not have a room where separate ventilation is available so it is important to move the person to a separate room or area. If a common area must be used, seat the person at least three feet away from others. Determine whether it is appropriate to offer the person awaiting



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transfer a surgical or procedure mask, tissues, and hand sanitizer or hand washing facilities. The source control supplies are located in the storage closet near the breathalyzer machine and in the trunk of each patrol car. The person will be informed about the following police department controls to reduce the potential for disease transmission including: Cover your cough or sneeze with tissue and dispose of the tissue in the covered receptacle provided (where appropriate) Offer hand washing facilities for use (where appropriate) Wear the provided surgical or procedure mask (where appropriate) Note: It is not necessary to offer a N95 respirator to the person awaiting transfer. Officers cannot insist on the use of source controls and must use judgment where the provision of alcohol-based hand sanitizers may be a security risk. Offering a surgical mask may not be advisable where the person is handcuffed or in respiratory distress. Employees should use respiratory protection when source controls are not practical. Employees will use an N95 respirator to enter the room or work area where a suspected ATD case is awaiting transfer where source control procedures are not feasible, or the source is non-compliant with the controls (e.g. refuses or is unable to don a surgical or procedure mask). Employees should use frequent hand hygiene when they come in contact with contaminated surfaces or articles. Cleaning and disinfection of the waiting area with appropriate personal protective equipment will be performed following transfer of the person. (Refer to the Cleaning and Disinfection Procedures Section). Respiratory protection use must be in compliance with City of Folsom's written Respiratory Protection Program. The police department is utilizing N95 particulate respirators for protection against potentially infectious aerosols. Supplies of the single use respirators are located in the storage closet near the breathalyzer and in patrol cars.

Transfer of Suspected ATD Cases Transfers should occur within five hours of the identification of the suspected case. The ATD Administrator or the on-duty Watch Commander is responsible for determining if any of the following exceptions are applicable: If initial exposure to the suspected case occurs in the evening (after 3:30 p.m. and prior to 7 a.m.), the transfer must occur no later than 11:00 a.m.; or If the transfer cannot occur within the 5-hour period, the ATD Administrator will document at the end of the 5-hour period and at least every 24 hours thereafter each of the following:

- o The police department has contacted the local health officer and determined that there is no facility with an appropriate airborne infection isolation room or area available within that jurisdiction.
- o Reasonable efforts have been made to contact establishments outside that jurisdiction, as provided in the procedures.
- o All applicable measures recommended by the local health officer or the infection control physician or other licensed health care professional have been implemented.
- o All employees who enter the room or area housing the individual are provided with and use appropriate personal protective equipment and N95 respiratory protection. The local health officer contact information is provided below for suspected ATD cases that will require a period longer than five hours to transfer to a health care facility:

County Name: SACRAMENTO

Health Officer's Name: Dr. Olivia Kasirye, M.D., M.S.

Address: 7001-A East Pkwy, Suite 600, Sacramento, CA 95823

Email: [kasiryeo@saccounty.net](mailto:kasiryeo@saccounty.net)

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Phone Number: 916.875.5881

Fax Number: 916.875.5888

Transport by emergency medical services When feasible, contact emergency medical services to transport the suspected ATD case. Emergency Medical Service: FOLSOM FIRE DEPARTMENT Phone Number: 916.351.3452 Officers required to accompany the suspected ATD case in the ambulance will use N95 respiratory protection unless the use of respiratory protection would result in a safety hazard.

Transport in department vehicles (if applicable) The officers involved in the transport of a suspected ATD case will use N95 respiratory protection unless the use of respiratory protection would result in a safety hazard. The officers will consider the duration of the transport operation, the signs and symptoms being exhibited, and any potential safety hazards presented by the use of an N95 respirator during the specific operation.

Cleaning and Disinfection Procedures The police department is required to clean and disinfect all contaminated work surfaces with the approved sanitizer after any exposure from a suspected or confirmed ATD case. Contaminated work surfaces include exposed areas at the police station and all transport vehicles. The approved cleaning and disinfecting materials along with appropriate personal protective equipment must be available at each facility, including all transport vehicles. Supplies are located at in the storage closet near the breathalyzer machine. Officers are responsible for cleaning their assigned area, such as a vehicle or desk. Officers are responsible for cleaning any common area when contaminated by an arrestee under the officer's control. The ATD administrator is responsible for scheduling the decontamination of any common areas as needed.

Communication Procedures The ATD Administrator is responsible for communicating with department employees who have had contact with a suspected ATD case when another employer, local health authorities, or the health care provider notify the department of a confirmed ATD case. The police department is also responsible for communicating the information to other employers involved in the exposure incident (e.g. fire department, ambulance service) to the extent that exposure information is available. When the diagnosing health care facility reports an ATD case to the local public health officer, the department will receive notification of a confirmed case from the health care facility and/or the local public health officer.

The ATD Administrator or the assigned designee is responsible for implementing the following communication procedures upon notification: Receive feedback from the local health authority or the health care provider on the disease status of the suspected ATD case. Communications employees should route any calls to the ATD Administrator. Promptly contact other employers who had employees involved in the specific exposure incident no later than 72 hours after receiving notification. Note: This is a maximum timeframe and would not be considered appropriate for an illness such as meningitis where life threatening illness may develop within 48 hours. The department will adjust the timeframe depending on the nature of the specific illness and input from

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the local health officer. The department will not provide the identity of the source patient to other employers. Department:Folsom Fire Department

Employer Contact Number :Ken Kuykendall 916-984-2878

Immediately communicate with affected department employees about the confirmed ATD case and indicate that an exposure analysis is in progress with completion expected no later than 96 hours after receiving notification. Note: This is a maximum timeframe and would not be considered appropriate for an illness such as meningitis where life threatening illness may develop within 48 hours. The department will adjust the timeframe depending on the nature of the specific illness and input from the local health officer. The ATD Administrator or the assigned designee will notify the affected department employees. Begin the analysis of the exposure incident and report the results to the affected employees within 72 hours after receiving notification except where the nature of the illness requires immediate action. Notify affected employees of the results of the analysis within 96 hours of receiving notification except where the nature of the illness requires immediate action. Refer employees with significant exposure for medical evaluation as soon as possible. (See Exposure Incident and Post-Exposure Evaluation Section.)

#### Exposure Incident Analysis and Post-Exposure Evaluation

##### ATD Exposure Incident Analysis

If an exposure incident, as defined above occurs, the police department will take the following steps within 72 hours after receiving notification except where the nature of the illness requires immediate action: The ATD Administrator will conduct an analysis of the exposure scenario to determine which employees had significant exposures. The ATD Administrator will notify employees who had significant exposure of the date, time, and nature of the exposure. The ADT Administrator will determine if any other employer's employees have been exposed and notify the employer. The ADT Administrator will document the steps above. Post-Exposure Evaluation and Follow-Up In the event of an exposure incident, the police department will provide a post-exposure medical evaluation, as soon as feasible, to all employees who had a significant exposure. All post-exposure evaluations will be performed by either of the following health care providers:

##### Occupational Health Provider:

Mercy Occ Med, 1730 Prairie City Rd. Folsom, 916.351.4801

Kaiser Occ Med, 2155 Iron Point Rd. Folsom, 916.817.5660

The police department will provide the health care professional with the following information: A copy of CCR, Title 8; Section 5199 located at <http://www.dir.ca.gov/title8/5199.html> A description of the exposed employee's duties as they relate to the exposure incident The circumstances under which the exposure incident occurred Any available diagnostic information relating to the source of the exposure that could assist in the medical management of the employee The police department's medical records for the exposed employee(s) The police department will request the following information from the health care professional: An opinion regarding whether precautionary removal from the employee's regular assignment is necessary to prevent spread

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of the disease agent and what type of alternate work assignment may be provided. A written opinion from the health care professional limited to the following information:

- o The employee's test and infectivity status
- o A statement that the employee has been informed of the results of the medical evaluation and has been offered any applicable vaccinations, prophylaxis, or treatment
- o A statement that the employee has been told about any medical conditions resulting from the exposure that require further evaluation or treatment
- o Any recommendations for precautionary removal from the employee's regular assignment
- o Any limitations on respirator use related to the medical condition of the employee or the working conditions in which the respirator will be used

All other findings or diagnoses will remain confidential and will not be included in the written report. The police department will obtain and provide the employee with a copy of the written opinion within 15 working days from the completed medical evaluation.

#### Medical Services Vaccination Recommendations

The police department offers and recommends all employees in the identified job classifications in the Occupational Exposure Determination Section receive the following vaccination at no cost to the employee: Vaccine Schedule Seasonal Influenza One dose annually. If the employee declines to accept the vaccination, he or she must sign a Declination Statement and forward to the Human Resource Department for required record keeping.

**Latent Tuberculosis Infection (LTBI) Annual Test**

The police department maintains a surveillance program for LTBI. All employees in the identified job classifications in the Occupational Exposure Determination Section will receive annual TB tests. Employees with a positive baseline TB test will have an annual symptom screen. If the employee's TB test indicates a conversion (a change in the TB test results from negative to positive) the police department will refer the employee to either of the following health care provider's Infectious Disease Specialist: Occupational Health Provider:

Mercy Occ Med 1700 Prairie City Rd. Folsom 916.351.4801

Kaiser Occ Med 2155 Iron Point Rd. Folsom 916.817.5660

In the case of a conversion, the department is responsible for following requirements in the regulation: Provide a copy of the ATD regulation (8 CCR 5199) and the employee's TB test records to the health care provider. If the department has determined the source of the infection, the department will also provide any available diagnostic test results including drug susceptibility patterns relating to the source patient. The department will request with the employee's consent that the health care provider perform any necessary diagnostic tests and inform the employee about appropriate treatment options. The department will request the health care provider determine if the employee is a TB case or suspected case and to do all of the following:

- o Inform employee and the local health officer in accordance with Title 17
- o Consult with the local health officer and inform the employer of any infection control recommendations related to the employee's activity in the workplace
- o Recommend whether precautionary removal from the employee's regular assignment is necessary to prevent the spread of disease by the employee and what type of alternate work assignment may be provided;

the department will request the recommendation for precautionary removal immediately via phone or fax and that a written opinion within 15 days containing the information outlined in paragraph (h)(9) of the regulation. In cases where the health

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care provider or local health officer recommends precautionary removal from regular job duties, the department will maintain the employee's earnings, seniority, and other employee rights and benefits, including the employee's right to his or her former job status, as if the employee had not been removed from his/her job. These provisions do not extend to any period of time during which the employee is unable to work for reasons other than precautionary removal.

Training All employees with an occupational exposure will receive training: At the time of initial assignment to tasks where occupational exposure may occur At least annually thereafter When changes such as introduction of new engineering or work practice controls or modification of tasks affect the employee's occupational exposure Training will be interactive and tailored to the education and language level of all exposed police department employees. It will include the following: An explanation of ATDs, including the signs and symptoms that require further medical evaluation Screening methods and referral procedures Source control measures and how these measures will be communicated to persons the employees contact Procedures for temporary risk reduction measures prior to transfer Respiratory protection training Review of the medical services provided Exposure incident reporting procedures and communication procedures Vaccine information and education Location of written procedures (ATD Control Procedures and Respiratory Protection Program) and how employees can provide feedback on the effectiveness of the procedures The training will be offered during the normal work shift and will include an opportunity for questions and answers with a person who is knowledgeable about the police department's exposures and ATD control procedures. Training not given in person (e.g. web-based training or training videos) will provide for interactive questions to be answered within 24 hours by a knowledgeable person.

Record Keeping The ATD Administrator will maintain: Employee training records Employee medical records (including vaccination records, declination forms, post-exposure medical evaluations) Exposure incident records (including the ATD Suspect Case Referral Log) Inspection, testing, and maintenance records for engineering controls (If applicable, records of building ventilation system and other air handling systems or air filtration systems for holding cells or rooms where suspect ATD cases await transfer, or smoke tests for vehicles used to transport suspect ATD cases without the use of employee respiratory protection) Respiratory Protection Program records per Title 8 CCR Section 5144, Respiratory Protection and the department program Records of annual ATD procedures review Employee training records will include the following information: The date(s) of the training session(s); The contents or a summary of the training session(s); The names and qualifications of persons conducting the training or those who are designated to respond to interactive questions; and The names and job titles of all persons attending the training sessions. Training records will be maintained for three years from the date on which the training occurred. Employee medical records for each employee with an occupational exposure incident will include: The employee name and employee identification. The employee's vaccination status since employed with the City of Folsom. This includes dates of vaccinations, declination statements, and medical records relative to the employee's ability to receive vaccinations. A copy of examination results, medical testing, evaluation, and follow up of exposure incidents. A copy of all written opinions provided by the health care professionals

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as required and following an exposure incident and/or the results of TB assessments. The City of Folsom will ensure employee medical records are kept confidential and are not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by this regulation and by law. Medical records are retained and coordinated by the Human Resource Department. Records will be maintained per Title 8, CCR, Section 3204, Access to Employee Exposure and Medical Records, and made available upon employee request. Employee medical records will be maintained for at least the duration of employment plus 30 years. Engineering control records, if applicable, will be maintained for a minimum of five years and will include the names and affiliations of the persons performing the test, inspection, or maintenance; the date; and any significant findings or corrective actions.

ATD Control Procedures Review An annual review of the ATD Control Procedures will be conducted by the ATD Administrator and by employees regarding the effectiveness of the procedures in their respective work areas. Deficiencies found will be corrected. The review(s) will be documented in writing and reviewed by the Chief of Police. Corrective actions will be initiated where identified.

#### Definitions

For a complete list of definitions found in the ATD standard, refer to Cal/OSHA Title 8, Chapter 4, Section 5199; Subsection (b) at <http://www.dir.ca.gov/title8/5144.html>.

#### **1015.3 POLICY**

The Folsom Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

#### **1015.4 EXPOSURE CONTROL OFFICER**

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
  - 2. Bloodborne pathogen mandates including (8 CCR 5193):

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- (a) Sharps injury log.
  - (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease mandates including (8 CCR 5199):
  - (a) Engineering and work practice controls related to airborne transmissible diseases.
  - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
- 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
- 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
- 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).
- (g) Coordination with the Department of Human Resources to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

## **1015.5 EXPOSURE PREVENTION AND MITIGATION**

### **1015.5.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

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- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1015.5.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

### **1015.6 POST EXPOSURE**

#### 1015.6.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

#### 1015.6.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident



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- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

### 1015.6.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 1015.6.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

### 1015.6.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO 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 City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

### **1015.7 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

### **1015.8 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## Peer Support

### 1016.1 PURPOSE AND SCOPE

The purpose of the Folsom Police Department Peer Support Program is to provide all employees and their families with the opportunity for peer support through times of personal or professional crises, thus reducing the likelihood or effects of post-trauma stress reactions. This policy will also serve to define the implementation and function of the Peer Support Program for the Folsom Police Department employees.

### 1016.2 POLICY

- (a) To provide a readily accessible support network of employees willing to be of service to other employees who express a need for assistance.
- (b) To promote trust, appropriate anonymity and confidentiality for employees participating in peer counseling.
- (c) To maintain an effective, ongoing peer counseling training process.
- (d) To provide services, upon request, to personnel on or off duty due to injury or illness.

#### 1016.2.1 DEFINITIONS

**TRAUMATIC INCIDENT** - Any situation that is likely to be emotionally over whelming to a Department employee.

**CRITICAL INCIDENT** - A traumatic incident that is work related.

**PEER SUPPORT** - A process whereby a person discusses a personal issue with a non-professional; usually a friend or co-worker. The person defines a problem and decides upon a solution himself/herself. The Peer Support member utilizes good active listening skills, helps clarify issues and supports the person through the problem solving process.

#### 1016.2.2 COMPENSATION

The position of Peer Support is made on a voluntary basis. There is no compensation with the exception to call-out, training or approval of a supervisor.

### 1016.3 ADMINISTRATIVE STRUCTURE

- (a) The Folsom Police Department Peer Support Team functions, and is administered, as an independent unit.
- (b) A police supervisor appointed by the Chief of Police administers the Peer Support Team.
- (c) The Peer Support Team administrator reports directly to the Chief of Police.

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### **1016.4 PROCEDURE**

The Peer Support Program consists of selecting and training qualified personnel for immediate response to critical incidents such as officer involved shootings

#### **1016.4.1 PARTICIPANTS**

The Peer Support Program shall consist of the following personnel:

- (a) Program Supervisor
- (b) Selected members of various units throughout the Folsom Police Department.
- (c) Selected law enforcement experienced psychologists.

#### **1016.4.2 SELECTION CRITERIA**

The Peer Support Program is committed to selecting Peer Support Group members with varied ethnicity, cultural, gender and life experiences.

Employees interested in participating in the Peer Support Program shall submit a memorandum expressing their desire to do so. The memorandum shall be forwarded, through the chain of command, to the Program administrator. For selection to participate in the program, employees shall meet the following criteria:

- (a) Have endorsement of their watch commander or unit supervisor.
- (b) Not have any current work restrictions due to psychological stress.
- (c) Is not the object of a serious or major investigation or suffering from serious or extreme personal problems.
- (d) Is not currently the subject of disciplinary actions.
- (e) Willingness to donate time without compensation when approached or requested on off-duty time (Exception: Critical incident responses shall be compensated).
- (f) Willingness to attend scheduled meetings and training sessions.
- (g) Demonstrate an understanding of the concepts of confidentiality and non-judgmental thinking.
- (h) Selections shall be made by members of Peer Support Team.

#### **1016.4.3 DESELECTION CRITERIA**

Removal: Peer Support Personnel shall be removed from the Peer Support Program who:

- (a) No longer meet the selection criteria.
- (b) Are not effective in response to a critical incident
- (c) Breach of confidentiality.

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- (d) Lack of participation according to the above guidelines.
- (e) Inability to participate due to professional and/or personal reasons.
- (f) Voluntary deselection.
- (g) Deselection is subject to the approval of the Chief of Police.
- (h) Deselection is not intended to be a disciplinary action, and not afforded the right of appeal by the Police Officer's Bill of Rights.

### **1016.4.4 TRAINING**

Initial training should consist of at least 24 hours of peer support and critical incident instruction. Topics will include the following:

- (a) Crisis recognition.
- (b) Crisis intervention and counseling.
- (c) Listening skills.
- (d) Assessment skills.
- (e) Alcohol and substance abuse identification.
- (f) Departmental policies and procedures.
- (g) Defusing and debriefing techniques.
- (h) Sexual harassment (Federal law mandates that supervisors take action on reported incidents).

### **1016.5 CRITICAL INCIDENT/TRAMATIC INCIDENT**

To reduce the likelihood of serious post-trauma stress reaction, the following procedures shall be adhered to:

- (a) When requested by the employee, or if the incident is of such a nature that trauma can be reasonably expected, the shift supervisor(s), or his/her designee, shall notify the peer support administrator or available peer support member, who shall immediately respond to the scene of the incident. The team member will assess the situation and summon further assistance and team members as he/she deems necessary.
- (b) Contact affected personnel to assess their needs and provide necessary help.
- (c) Provide emotional support to involved personnel to diffuse any shock reaction they may be experiencing.
- (d) Provide information on possible reactions the employee or their family may experience.

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- (e) Suggest resources and referrals the employee or family members may require.
- (f) Advise the employee of Departmental policies, procedures and other pertinent information. Make the employee aware of what actions and events to expect as a result of the incident.
- (g) Contact the employee within three days after the incident, or as necessary, to determine if they can be of further help.
- (h) To be sure the employee gets home safely.

### **1016.6 CONFIDENTIALITY**

The most important aspect of the Peer Support Program is the promotion of trust, anonymity and confidentiality. Therefore, communications between Peer Support personnel and employees are considered privileged by the Department. Some exceptions to confidentiality are either required by law or because sworn members who become peer counselors cannot abdicate their responsibilities as police officers in the process.

The following is required to be reported immediately to the Chief of Police:

- (a) Where child or elder abuse is involved.
- (b) Where the employee is involved in a felony crime.
- (c) Where, pursuant to the Tarasoff decision, there is a reason to believe that the employee intends to seriously injure another person and a duty to warn exists.
- (d) Where the Peer Support member is directly involved as a participant or witness.
- (e) Where the employee is a clear and present danger to self, citizens or fellow officers.

Although some situations fall under the mandatory reporting requirements, the Peer counselor's role shall remain as one of care and support.

### **1016.7 DUTIES OF SUPERVISORY OFFICERS**

- (a) Supervisory personnel who are peer counselors cannot abdicate their supervisory responsibilities when on duty and confronted with misconduct, disciplinary problems or other improper actions on the part of employees.
- (b) After taking the necessary and required actions in the above circumstances, nothing shall prohibit the supervisory officer from making referrals to EAP if such action could be of assistance to the employee.
- (c) No supervisor or officer, who is on duty and involved in an incident or ongoing investigation, should assume the responsibilities of Peer Support Counselor.

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### **1016.8 INTERNAL INVESTIGATIONS**

- (a) Client-Privilege is a legal issue. No person without a professional license (or is supervised according to statutes) has a right to claim client-privilege in a court of law.
- (b) Situations such as police shootings and excessive force lawsuits present requirements for the Peer Support member to advise a person that the contents of their conversation could be subject to subpoena.
- (c) It may occur that a Peer Support member is supporting an individual who becomes the subject of a disciplinary investigation (I.A.). A Peer Support member should be guided by the confidentiality policy of the Peer Support program. Peer Support members may not hamper or impede the actual investigation nor may they attempt to shelter the individual from the investigation.
- (d) The Peer Support member's role in disciplinary situations will be one of support in dealing with problems faced by the person in the disciplinary process. If at any time a Peer Support member finds it necessary to invoke the confidentiality provisions of the program, he/she should consult the Peer Support administrator for assistance.
- (e) The investigating officer of an Internal Affairs Investigation shall notify the Chief of Police in advance of his intention to interview a Peer Support member regarding his/her knowledge gained through a counseling session. Permission will generally not be granted unless there is a strong suspicion that one of the 'required reporting' circumstances is at issue.

# Smoking and Tobacco Use

## 1017.1 POLICY

The Folsom 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).

## 1017.2 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Folsom Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

## 1017.3 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

### 1017.3.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).



# Respiratory Protection Program

## 1018.1 PURPOSE AND SCOPE

The Folsom Police Department is committed to preventing injury and illness in the workplace and makes every effort to protect our employees from harmful airborne substances. The Department has determined that employees may be exposed to certain airborne hazards like riot control agents and Tuberculosis during routine and emergency situations. The purpose of this program is to ensure that police employees are protected from exposure to respiratory hazards. This policy establishes a respiratory protection program for police personnel. This program will comply with the California Code of Regulations, Title 8, Section 5144, Respiratory Protection.

### 1018.1.1 APPLICATION

This program applies to all police personnel who are required to wear respirators during normal work operations and during emergency situations. Participation in this program is mandatory for all reserve officers, officers, sergeants, and lieutenants. Any employee who voluntarily wears a respirator or filtering face piece, when a respirator is not required is subject to the medical evaluation, fit test, cleaning, maintenance, and storage elements of this program. Employees participating in the respiratory protection program do so at no cost. The expense associated with the training, medical evaluations and respiratory protection equipment will be borne by the City of Folsom.

### 1018.1.2 POLICY

Employees will use their respirators under conditions specified by this policy, and in accordance with the training they receive on the use of each model. In addition, the respirator shall not be used in a manner for which it is not certified by NIOSH or by its manufacturer.

## 1018.2 RESPONSIBILITIES

- (a) Program Administrator: The Program Administrator is responsible for administering the respiratory protection program. The Safety Officer is the Program Administrator for the City of Folsom. Duties of the Program Administrator include:
  - 1. Evaluate respiratory hazards;
  - 2. Arrange for annual qualitative fit testing using an accepted OSHA protocol;
  - 3. Administer the medical surveillance program;
  - 4. Maintain records required by the program;
  - 5. Evaluate the program;
  - 6. Update the written program, as needed;
- (b) Police Department Coordinator: The Operations Division Commander will assign one member of the Department to act as the Police Department's respiratory protection program coordinator. Duties of the Program Coordinator include:

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1. Purchase, maintain and inventory of respirators and filter canisters;
  2. Coordinate with the Program Administrator on how to address respiratory hazards or other concerns regarding the program;
  3. Ensure employees attend the required training;
  4. Identify work areas and tasks that require workers to wear respirators;
  5. Select respiratory protection options;
  6. Ensure proper storage and maintenance of respiratory protection equipment;
  7. Ensure that employees under their supervision (including new hires) have received the appropriate training, and fit testing
  8. Ensure the availability of appropriate respirators and accessories;
  9. Awareness of tasks requiring the use of respiratory protection;
  10. Enforce the proper use of respiratory protection when necessary;
  11. Ensure that respirators are properly cleaned, maintain, and stored according to manufacturers specifications;
  12. Continually monitor work areas to identify respiratory hazards.
  13. Ensure annual medical exams for the following classifications of employees:
    - (a) Employee wears the mask more than 30 days in a year
    - (b) Exposure level in excess of the Permissible Exposure Limit
    - (c) Employee is a member of an emergency response team (i.e. Clan Lab clean-up)
- (c) Employees: It is the responsibility of the employee to have an awareness of the respiratory protection requirements for his or her work areas in accordance with the City's respiratory protection program. Employees are responsible for wearing the appropriate respiratory equipment according to instructions. Employees are also responsible to observe all factors and conditions required to demonstrate a good respirator fit and adequate face seal. Employees must also:
- (a) Care for and maintain respiratory protection equipment as instructed and store it in a clean and sanitary location;
  - (b) Inform their supervisors if the respirator no longer fits well and to request a new one that fits properly;
  - (c) Inform their supervisor or the Program Administrator of any respiratory hazards that they feel are not adequately addressed in the workplace and of any concerns that they have regarding the program;

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### **1018.3 WORKPLACE EXPOSURE ASSESSMENT**

The type of airborne hazards presented to police personnel occurs in situations where engineering controls are not feasible or adequate. Control of airborne hazards through employee's use of respirators will provide emergency protection against occasional and relatively brief exposures. The results of the current hazard evaluation have identified the following potential exposure risks:

- (a) Potential risks of exposure to chemical agents during enforcement and training. Chemical agents can take several forms and be deployed in a variety of delivery systems. The gas can be delivered by shotgun grenades and via a 37mm launcher. The deployment of CN and CS gas is restricted to members of the Special Weapons and Tactics Team (SWAT); however, it is recognized that CN and CS gas can spread and affect other people in the area. Properly worn fullface purifying respirators are effective for protecting the eyes, nose, mouth, and throat from CN and CS gas.
- (b) Exposure to OC spray during enforcement and training. The Department utilizes OC spray in MK-4 canisters for use by individual officers, and large area foggers are used by SWAT for crowd control. Properly worn full face air purifying respirators are effective for protecting the eyes, nose, mouth, and throat from OC spray but a mask is not required when training with OC.
- (c) Potential risk of exposure to tuberculosis (TB) while interacting with individuals likely to be infected. The use of a one half face respirator has been shown to be effective in protecting the wearer from TB.

### **1018.4 RESPIRATORY EQUIPMENT, USE AND SELECTION**

There are two different pieces of equipment that fall under the category of respirators that Folsom Police Department field employees shall be provided:

- (a) The first is a full-face air purifying respirator, commonly known as a gas mask, which will be the MSA Advantage 1000 or similar respirator. This full-face respirator is to be used to protect the employee from chemical agents such as CN and CS. The employee is advised that the full-face respirator is National Institute for Occupational Safety and Health (NIOSH) certified to protect against CN and CS, and is effective but not certified in protecting against OC, Sarin, Hydrogen Cyanide, and other chemicals. The respirator is not intended to protect against all Weapons of Mass Destruction type agents and does not supply its own oxygen.
- (b) The second type of respirator supplied to field employees is the one half face N95 respirator. This respirator closely resembles a mesh surgical mask or dust mask and is intended to protect the employee against Tuberculosis (TB.) The one half face N95 respirator will be the 3M respirator or similar product. The one half face respirator is not designed to protect the wearer against chemical agents but rather is useful in protecting the wearer from contracting TB from a TB victim. These one half face respirators shall be kept in the patrol and CSO vehicle crash bags. A field employee may retain extra one half facemasks if they desire. The N95 filters exhaled air outside

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the mask so logically the mask would not be appropriate to place on a TB victim. The mask is instead only for use by the employee.

### **1018.4.1 REQUIREMENTS**

Reserves, officers, sergeants, and lieutenants will be issued air-purifying respirators. These employees are required to have their respirators available in the field when working uniformed assignments. One half face TB respirators will be kept in vehicle crash bags.

Reserves, officers, agents, sergeants, and lieutenants should make every effort to wear their respirators in situations involving potential exposures.

It is recognized that in emergency situations, employees may be unable to obtain and don a respirator prior to deploying agents such as CN, CS and OC. Employees should take appropriate action to avoid exposure. Respirators should be obtained and worn as soon as practical.

All respirators must be certified by NIOSH and shall be used in accordance with the terms of that certification. All filters, cartridges, and canisters must be labeled with the appropriate NIOSH approval label. The label must not be removed or defaced while it is in use. Air-purifying respirators should not be used under the following conditions:

- (a) When contaminants have poor warning properties; that is, when the contaminant can not be recognized by taste, smell or irritation at or below the permissible exposure limits;
- (b) In oxygen-deficient atmospheres (below 19.5%);
- (c) In atmospheres Immediately Dangerous to Life or Health (IDLH); and
- (d) Atmospheres in which short exposures would cause death, injury or delayed reaction;
- (e) When there is a respirator selection question remember to refer to the Material Safety Data Sheet for the appropriate personal protective equipment.

### **1018.5 USER SEAL CHECK**

All employees shall conduct user seal checks each time they wear their respirator. Employees shall use the positive and negative pressure check specified in this policy. The individual who uses a tight-fitting respirator is to perform a user seal check to ensure that an adequate seal is achieved each time the respirator is put on. Either the positive and negative pressure checks listed in this policy, or the respirator manufacturer's recommended user seal check method shall be used. User seal checks are not substitutes for qualitative or quantitative fit tests.

#### **1018.5.1 FACE PIECE POSITIVE PRESSURE CHECK**

Close off the exhalation valve and exhale gently into the face piece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the face piece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

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### **1018.5.2 FACE PIECE NEGATIVE PRESSURE CHECK**

Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the face piece collapses slightly, and hold the breath for ten seconds. The design of the inlet opening of some cartridges cannot be effectively covered with the palm of the hand. The test can be performed by covering the inlet

opening of the cartridge with a thin latex or nitrile glove. If the face piece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

### **1018.5.3 MANUFACTURER'S RECOMMENDED USER SEAL CHECK**

The respirator manufacturer's recommended procedures for performing a user seal check may be used instead of the positive and/or negative pressure check procedures provided.

## **1018.6 RESPIRATOR CLEANING PROCEDURES**

These procedures are provided for employer/employee use when cleaning respirators. They are general in nature, and the employer/employee as an alternative may use the cleaning recommendations provided by the manufacturer of the respirators. The Department must ensure that the respirator is properly cleaned and disinfected in a manner that prevents damage to the respirator and does not cause harm to the user.

### **1018.6.1 CLEANING PROCEDURES**

Remove filters, cartridges, or canisters. Disassemble face-pieces by removing speaking diaphragms, demand and pressure-demand valve assemblies, hoses, or any components recommended by the manufacturer. Discard or repair any defective parts. Wash components in warm (43 deg. C [110 deg. F] maximum) water with a mild detergent or with a cleaner recommended by the manufacturer. A stiff bristle (not wire) brush may be used to facilitate the removal of dirt. Rinse components thoroughly in clean, warm (43 deg. C [110 deg. F] maximum), preferably running water. Drain.

### **1018.6.2 DISINFECTING**

When the cleaner used does not contain a disinfecting agent, respirator components should be immersed for two minutes in one of the following:

- (a) Hypochlorite solution (50 ppm of chlorine) made by adding approximately one milliliter of laundry bleach to one liter of water at 43 deg. C (110 deg. F);
- (b) Aqueous solution of iodine (50 ppm iodine) made by adding approximately 0.8 milliliters of tincture of iodine (6-8 grams ammonium and/or potassium iodide/100 cc of 45% alcohol) to one liter of water at 43 deg. C (110 deg. F);
- (c) Other commercially available cleansers of equivalent disinfectant quality when used as directed, if their use is recommended or approved by the respirator manufacturer.

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#### **1018.6.3 COMPLETION**

Rinse components thoroughly in clean, warm (43 deg. C [110 deg. F] maximum), preferably running water. Drain. The importance of thorough rinsing cannot be overemphasized. Detergents or disinfectants that dry on facepieces may result in dermatitis. In addition, some disinfectants may cause deterioration of rubber or corrosion of metal parts if not completely removed. Components should be hand-dried with a clean lint-free cloth or air-dried. Reassemble face piece, replacing filters, cartridges, and canisters where necessary. Test the respirator to ensure that all components work properly.

#### **1018.7 FILTER REPLACEMENT SCHEDULE**

Filters will be stored in their sealed pouches until such time as an employee needs to deploy a respirator. Opened filters that have not been exposed to a hazardous substance will be replaced after 40 hours use. Opened filters that have been exposed, or that may have been exposed to a hazardous substance, will be replaced after 10 hours use. SWAT officers who expose their filters to live chemical agents at yearly trainings shall discard the exposed filter after training and be issued a sealed new one. Unopened filters will be replaced every two years.

#### **1018.8 MEDICAL AND FIT TESTING**

Employees who are either required to wear respirators, or who choose to wear a respirator voluntarily, must pass a medical exam before being permitted to wear a respirator on the job. The POST pre-employment exam covering respiratory protection will satisfy this requirement. Those employees will also be required to undergo qualitative TBN95 mask fit testing and a quantitative fit test for the full face mask to ensure a proper seal against the face. Medical and fit tests will be conducted in accordance with the City's policy. Respirators cannot be worn when conditions prevent a good seal between the face of the wearer and the seal area of the respirator. Facial hair, sideburns, moustaches, long hairlines, or bands can pass between the sealing surface of the face piece and the face thus interfering with the function of the respirator valve(s) causing leakage of air or preventing air from entering the face piece on demand. Moustaches, small sideburns, hair length, and "Van Dyke" type beards are acceptable if they are worn in a manner so as not to come between the skin and the sealing surfaces of the respirator. All affected employees must comply with these regulations. No exceptions will be made.

#### **1018.9 EMPLOYEE SAFETY**

All employees will be permitted to leave the respirator use area to wash their face and respirator face piece as necessary to prevent irritation associated with respirator use; if they detect vapor or gas breakthrough; changes in breathing resistance; or leakage of the face piece. They may also leave to replace the respirator, cartridges, or canister elements.

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## Personnel Complaints

### 1019.1 POLICY

The Folsom Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1019.2 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

#### 1019.2.1 INCOMPLETE COMPLAINTS

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### 1019.2.2 SOURCES OF COMPLAINTS

The following applies to the source of personnel complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of a personnel complaint or alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

### 1019.3 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

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#### 1019.3.1 COMPLAINT FORMS

Personnel complaint pamphlets 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 City facilities.

Personnel complaint pamphlets in languages other than English may also be provided, as determined necessary or practicable.

#### 1019.3.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

#### 1019.3.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

#### 1019.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

#### 1019.5 DOCUMENTATION

Supervisors shall ensure that all complaints, which if proven true, would amount to a violation of law or policy or would amount to misconduct, are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

#### 1019.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.



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#### 1019.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of 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 member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Bureau Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of 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) 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.

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- (h) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1019.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Folsom Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

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- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

#### 1019.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1019.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

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**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### 1019.6.5 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.

### 1019.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### 1019.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

#### 1019.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

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### **1019.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

### **1019.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Folsom Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

### **1019.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

#### **1019.10.1 COMMAND RESPONSIBILITIES**

Upon completion of any personnel investigation, the Professional Standards Sergeant will confer with the accused member's Bureau Commander and assign review of the investigation to a Lieutenant.

The assigned Lieutenant shall review the entire investigative file, the member's personnel file, and any other relevant materials. If necessary, the Lieutenant can request the Professional Standards Sergeant conduct additional investigation.

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After the review of the investigation, the assigned Lieutenant will prepare a Letter of Transmittal that contains all the charges/allegations, the policies/rules/laws alleged violated by the member, and a disposition for each allegation. Additionally, the Letter will provide a summary of all relevant statements, a recommendation for discipline, and finally, administrative insight that provides context and rationale to the proposed discipline, or lack thereof.

Upon completion, the Letter of Transmittal will be added to the personnel investigation file. The file, including all relevant materials and supporting documentation, shall be routed back to the accused member's Bureau Commander for review and command concurrence of the recommendation(s). Actual copies of a member's existing personnel file need not be provided in the investigative file and may be incorporated by reference.

After review, the Bureau Commander will provide the entire investigative file to the Chief of Police.

#### 1019.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Bureau Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
  - 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

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Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

#### **1019.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT**

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

#### **1019.10.4 NOTICE REQUIREMENTS**

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

#### **1019.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police or a Skelly Officer 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 a Skelly meeting and is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police or a Skelly Officer to consider.
- (d) In the event that the Chief of Police or Skelly Officer elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police or Skelly Officer on the limited issues of information raised in any subsequent materials.

#### **1019.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

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### **1019.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by an applicable collective bargaining agreement, Memorandum of Understanding and/or City Personnel Rules and Regulations.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

### **1019.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

### **1019.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

### **1019.16 REQUIRED REPORTING TO POST**

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
  - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.



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(b) Events that could affect an officer's POST certification, such as:

1. Complaints, charges, or allegations of misconduct
2. Findings of civilian review boards
3. Final dispositions of any investigations
4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Folsom Police Department based on allegations of conduct by an officer

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

## Seat Belts

### **1021.1 WEARING OF SAFETY RESTRAINTS**

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### **1021.2 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 seat belts provided by the vehicle manufacturer.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### **1021.3 INOPERABLE SEAT BELTS**

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### **1021.4 POLICY**

It is the policy of the Folsom Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### **1021.5 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-

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side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

#### **1021.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **1021.7 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1023.1 ISSUANCE OF BODY ARMOR

The Professional Standards Unit (PSU) Sergeant shall ensure that body armor is issued to all officers and that the body armor meets or exceeds the standards of the National Institute of Justice when issued.

Body armor shall be issued when an officer begins service at the Folsom Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

### 1023.2 USE OF BODY ARMOR

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation they could reasonably be expected to take an enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor; or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

### 1023.3 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted for fit, cleanliness, signs of damage, abuse and wear.

### 1023.4 CARE, MAINTENANCE AND REPLACEMENT OF BODY ARMOR

Officers should routinely inspect personal body armor for signs of damage and for general cleanliness.

Because dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions.

Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.

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### **1023.5 RANGER SERGEANT RESPONSIBILITIES**

The Range Sergeant should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to department approved body armor standards
- (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 Records

### 1025.1 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

### 1025.2 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
  - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
  - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
  - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
  - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

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- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### **1025.3 DIVISION FILE**

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

#### **1025.4 TRAINING FILE**

An individual training file shall be maintained by the Training Officer for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **1025.5 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

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Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

### **1025.6 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

### **1025.7 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

#### **1025.7.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.



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All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

### **1025.7.2 RELEASE OF PERSONNEL INFORMATION**

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

### **1025.7.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION**

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

### **1025.7.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS**

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

### **1025.8 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS**

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.

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- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
  - 1. The discharge of a firearm at another person by an officer.
  - 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
  - 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
  - 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
  - 1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
  - 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
  - 3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
  - 4. An officer made an unlawful arrest or conducted an unlawful search.

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Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

#### 1025.8.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

#### 1025.8.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
  - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
  - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement

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proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until:
  - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

#### 1025.8.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
  1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
    - (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

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### **1025.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS**

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

### **1025.10 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

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- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

# Assignment Process/Specialty Positions

## 1026.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating a member of the Folsom Police Department for assignment and transfer:

- (a) Presents a professional, neat appearance
- (b) Demonstrates:
  - 1. Emotional stability and maturity
  - 2. Sound judgment and decision making
  - 3. Personal integrity
  - 4. Honesty
  - 5. Leadership
  - 6. Initiative
  - 7. Ability to confront and/or deal with issues both positive and/or negative
  - 8. Ability to conform to organizational goals and objectives

## 1026.2 SPECIALTY ASSIGNMENT SELECTION PROCESS FOR OFFICERS

Applicants to a specialty assignment must have successfully completed the probationary period.

- (a) For the purpose of this policy, probationary status refers to those "at-will" employees who are subject to termination absent cause. The term does not apply to those who are on probation as a result of promotion to a rank above that of police officer.

## 1026.3 ROTATION PERIODS FOR SPECIALTY ASSIGNMENTS

The following rotation periods will apply for the listed specialty assignments:

**RANK ASSIGNMENT ROTATION PERIOD:**

**Commander** - All Assignments Determined by the Chief of Police

**Captain** - All Assignments Determined by the Chief of Police

**Lieutenant** - All Assignments Determined by the Chief of Police

**Sergeants** - 5/6 years

**Investigations** - 5/6 years

**Investigations - Special Enforcement** - 5/6 years

**Traffic/DUI** - 5/6 years

**Professional Standards/Training/Personnel** - Unspecified; Determined by the Chief of Police

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### *Assignment Process/Specialty Positions*

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**SWAT** - Unspecified

**PIO** - Unspecified

**Mounted Officers** - Unspecified

**School Resource Officer** - 5/6 years

**Commercial Enforcement** - 5/6 years

**K-9 Handler** - Unspecified

**PTO** - Unspecified

**Tactical Dispatcher** - Unspecified

**DTO** - Unspecified

#### **1026.4 NON-MANAGEMENT SELECTION PROCESS**

The following positions are considered assignments and are not considered promotions:

- (a) Detective
- (b) School Resource Officer (SRO)
- (c) Motor/Traffic Officer
- (d) Commercial Enforcement Officer
- (e) K-9 Handler
- (f) Special Weapons And Tactics Officer (SWAT)
- (g) Public Information Officer (PIO)
- (h) Mounted Officer
- (i) Police Training Officer
- (j) Dispatch Training Officer

##### **1026.4.1 DESIREABLE QUALIFICATIONS**

The following qualifications apply to consideration for assignment:

- (a) Off probation
- (b) Has shown an expressed interest in the position applied for
- (c) Education, training and demonstrated abilities in related areas such as: enforcement activities, investigative techniques, report writing, and community relations

##### **1026.4.2 SELECTION PROCESS**

The following criteria apply to assignments:



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- (a) Complete and submit a memorandum requesting change of assignment to the Division Commander for whom the candidate will work. The memorandum shall be submitted through the employee's chain of command.
- (b) The affected Division Commander will review:
  - 1. The candidate's watch file.
  - 2. The candidate's last 2 evaluations.
  - 3. The candidate's internal affairs files over the last 2 years
  - 4. The candidate's statistics over the last two years including arrests, reports, citations, traffic stops, subjects tops and other officer-initiated, proactive enforcement efforts.
- (c) The affected Division Commander or his/her designee(s) will schedule interviews with each candidate. Based on affected supervisors' recommendations and those of Command staff after the interview, the affected Division Commander will submit his/her recommendation(s) to the Chief of Police.
- (d) Assignment by the Chief of Police or designee.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

#### **1026.5 APPLICABLE TO ASSIGNMENT, EXTENSION, SELECTION AND RETENTION**

Nothing in this policy is intended to supplant the exercise of management prerogative on a case-by-case basis regarding selection, retention and rotation when unforeseen issues arise and/or specific Department needs are identified.

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# Request for Change of Assignment

## **1028.1 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.

## **1028.2 REQUEST FOR CHANGE OF ASSIGNMENT**

Personnel wishing a change of assignment are to complete a memorandum to through the chain of command to their Division Commander.

### **1028.2.1 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 1<sup>st</sup> of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

### **1028.3 SUPERVISOR'S COMMENTARY**

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander 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 Division Commander. If the Watch Commander does not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

# Commendations and Awards

## 1028.1 POLICY

It is the policy of the Folsom Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

## 1028.2 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

## 1028.3 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

### 1028.3.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  - 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
  - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

### 1028.3.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
  - 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
  - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

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- (c) The signature of the person submitting the documentation.

#### 1028.3.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Bureau Commander for his/her review. The Bureau Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Bureau Commander. The documentation will be signed by the Bureau Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

# Employee Recognition Program

## 1029.1 PROCEDURE

### 1029.1.1 RECOGNITION COMMITTEE COMPOSITION

#### (a) Recognition Committee Composition

The Recognition Committee will consist of at least five (5) sworn and professional staff employees who have served varying lengths of time in a variety of assignments with the Department and who are current member of the Chief's Advisory Council. The Recognition Committee will meet as needed to review applications received.

### 1029.1.2 PROCESS

The Recognition Committee will meet once a month to review applications received. The Recognition Committee shall forward their recommendations to the Executive Staff via the Office of the Chief of Police. Executive Staff shall review the recommendations and either confirm, modify, or deny the recommendations. The Chief, at his option, may specify the use of additional selection processes for the Officer of the Year Award.

### 1029.1.3 APPLICATION FORMS FOR NOMINEES

Recognition Nomination Forms are available from the Administration and Department supervisors. All employees are encouraged to nominate any employee, volunteer or citizen they feel qualifies for any of the Department's award categories. All applications shall be submitted to the Office of the Chief of Police for forwarding to the Recognition Committee for review.

## 1029.2 TYPES OF AWARDS

### Officer of the Year

- The Officer of the Year award will be presented to the sworn member of the department who, over a twelve month period, has consistently demonstrated a superior work ethic, technical ability, knowledge or policies and procedures, positive attitude, flexibility, integrity and initiative.
- When evaluating potential recipients for this award, the Recognition Committee shall seek employees who are respected by their peers, have a positive outlook, are committed to serving the community, and are dedicated to the Mission, Vision, Values, and Goals of the Department. These employees strive for excellence in their work and interactions with the public.
- Officers selected as Employee of the Month during the previous year are automatically eligible for this award. Additional nominations are actively solicited by the Recognition Committee beginning in January of each year. The Officer of the Year award will be presented at the annual Department Awards Banquet.

### Professional Staff Employee of the Year

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- The Professional Staff Employee of the Year award will be presented to the professional staff employee who, over a twelve month period, has consistently demonstrated a superior work ethic, technical ability, knowledge of policies and procedures, positive attitude, flexibility, integrity and initiative.
- When selecting recipients for this award, the Recognition Committee looks for employees who are respected by their peers, have a positive outlook, are committed to serving the community, and are dedicated to the Mission, Vision, Values, and Goals of the Department. These employees consistently demonstrate excellence in their work and interactions with the public.
- Professional Staff employees selected as Employee of the Month during the previous year are automatically eligible for this award. Additional nominations are actively solicited by the Recognition Committee beginning in January of each year. The Professional Staff Employee of the Year award will be presented at the annual Department Awards Banquet.

#### **Supervisor of the Year**

- The Supervisor of the Year award acknowledges excellence as a first-line supervisor. It is available to both sworn and professional staff employees who oversee one or more full time Department employees. Supervisors selected for this award are those who consistently demonstrate leadership qualities. They encourage employees to set and accomplish goals and they inspire superior performance in those they supervise. These men and women have a dedication to the Department, the community, and to the growth and development of subordinates.
- Supervisors selected as Employee of the Month during the previous year are automatically eligible for this award. Additional nominations are actively solicited by the Recognition Committee beginning in January of each year. The Supervisor of the Year award will be presented at the annual Department Awards Banquet.

#### **Volunteer of the Year**

- The Volunteer of the Year award will be presented to the volunteer that distinguishes him or herself by demonstrating superior performance in one or more of the following areas. Contributions made during a critical incident, contributions made during the course of a long term project, contributions made as a result of outstanding initiative or motivation, contributions based on a positive attitude and outlook.
- Nominations for Volunteer of the Year may be made by any member of the Department to the Recognition Committee. Additional nominations are actively solicited by the Recognition Committee beginning in January of each year. The Volunteer of the Year award will be presented at the annual Department Awards Banquet.

#### **Reserve Officer of the Year**

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- The Reserve Officer of the Year award is presented to the reserve officer who, over a twelve month period, has consistently demonstrated a superior work ethic, technical ability, knowledge of policies and procedures, positive attitude, flexibility integrity, and initiative.
- When evaluating potential recipients for this award, the Recognition Committee shall look for Reserve Officers who are respected by their peers, have a positive outlook, are committed to serving the community, and are dedicated to the Mission, Vision, Values, and Goals of the Department. These employees consistently strive for excellence in their work and interactions with the public.
- Nominations for Reserve Officer of the Year may be made by any member of the Department to the Recognition Committee. Additional nominations are actively solicited by the Recognition Committee beginning in January of each year. The Volunteer of the Year award will be presented at the annual Department Awards Banquet.

#### **Medal of Valor (Gold)**

- This is the Department's most prestigious award presented to employees who distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of police work. This employee shall display great courage in the face of immediate life threatening peril and with full knowledge of the risk involved. The act involved should show professional judgment and not jeopardize the tactical operation or the lives of others. The death of a member performing his/her duty does not necessary qualify him/her for the Medal of Valor. However, the Medal of Valor may be awarded posthumously to a deserving member.
- The recipient of this award will receive a medal with ribbon and a ribbon to wear on his/her uniform. Each additional award would receive a star to be placed on the ribbon. The award will be presented at the annual Department Awards Banquet. Nominations are actively solicited by the Recognition Committee throughout the year.

#### **Silver Star (Silver)**

- This is the Department's second highest award for outstanding performance and conspicuous bravery or heroism under extraordinary or unusual circumstances. The employee shall display courage by placing him/herself in potential peril while saving the live of another; or distinguishing themselves by performing in stressful situations with exceptional tactics or judgment.
- The recipient of this award will receive a medal with ribbon and a ribbon to wear on his/her uniform. Each additional award would receive a star to be placed on the ribbon. The award will be presented at the annual Department Awards Banquet. Nominations are actively solicited by the Recognition Committee throughout the year.

#### **Bronze Star (Bronze)**

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- This is the Department's third highest award for outstanding performance and bravery in the line of duty. This medal shall be awarded when the circumstances involved do not fall within the provisions required for a Medal of Valor or Silver Star, however, bravery was of a magnitude to warrant the Bronze Star.

#### **Merit - Emergency**

- This award is presented to an individual for his/her performance during an emergency situation in which the individual's actions assisted in mitigating the emergency, prevented great bodily injury or death, or prevented significant property loss or damage.

#### **Merit - Non-Emergency**

- This award is presented to an individual who has made a significant contribution to the department in a non-emergency situation.

#### **Distinguished Service Medal**

- This award is presented to an individual in recognition of their contribution to the Department for a period of months or years by exemplary work conduct or involvement in a specific assignment of unusual benefit to the Department or other distinguishing conduct of exceptional merit.

#### **Life Saving Award**

- This award is presented to officers or citizens who were directly responsible for the saving of a human life or for the performance of emergency medical aid to prolong a human life.

#### **Purple Heart**

- This award is presented to officers who receive a "serious injury" in the line of duty.
  - The Purple Heart is awarded to the employees seriously injured or killed while engaged in law enforcement service. The injury must be a result of a criminal or hostile act. Serious injury or death sustained in the direct pursuit of criminal suspect or terrorist acts are eligible for this award.
  - Persons seriously injured or killed while rendering assistance to Folsom Police Personnel are eligible for this award.
  - Serious injury must have been a sudden and traumatic injury or wound that required treatment by medical personnel and records of such treatment must be made a matter of official record.

#### **Unit Citation**

- This award is presented to any group of two or more employees who collectively engage in a program or operation that exemplifies an extraordinary quality or service, and reflects credit upon law enforcement in its highest tradition.



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#### **Police Citation**

- This award is presented to an individual department employee for his/her professionalism and significant effort in the support of the Folsom Police Department and its members.

#### **Department Service Ribbon**

- This award is presented to those large groups of employees who collectively provided a meritorious response to major incident(s) or disaster(s). This award will be made at the discretion of the Chief of Police upon the recommendation of the executive staff.

#### **Exceptional Investigation Award**

- This award is presented to an individual whose tenacious unrelenting desire to solve a crime takes them above and beyond the actions normally involved during an investigation. It is recognized that the exceptional efforts involved in solving the crime are truly outstanding and represent the best efforts of Law Enforcement.

#### **Citizen Award**

- This award is presented to individuals who have made a significant contribution to the police or fire department in the furtherance of public safety.

#### **Community Service Award**

- This award is presented to a department employee or citizen whose service to the community has exemplified the principles of community policing, community service or the core values of the City of Folsom.

#### **Stolen Vehicle Recovery Award**

- The "10851" award is presented to those officers who, in a twelve month period:
  - Make six separate "rolling" stolen vehicle recoveries with arrests, or;
  - Recover a minimum of (12) twelve stolen vehicles, at least three of which must be "rolling" stolen, or;
  - Develop information which results in the identification of a theft ring, subsequent arrests of two or more suspects, and the recovery of at least (10) ten vehicles.

#### **1029.3 RECOGNITION NOMINATION FORM**

All nominations for awards shall be processed by completing a Recognition Nomination Form stating the reasons for which the person is being nominated for the award.

#### **1029.4 AWARD CATAGORIES**

AWARD	PLAQUE	CERTIFICATE	MEDAL		RIBBON COLORS	
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## Employee Recognition Program

Medal of Valor		X	X	RED	WHITE	BLUE
Silver Star		X	X	BLUE	WHITE	
Bronze Star		X	X		RED	
Merit - Emergency		X	X	RED	WHITE	RED
Merit - Non Emergency		X	X	WHITE	RED	WHITE
Distinguished Service		X	X	BLUE		
Life Saving		X	X	WHITE	RED	CROSS
Purple Heart		X	X	PURPLE		
Unit Citation		X	X	GREEN	WHITE	
Police Citation		X		WHITE	GREEN	WHITE
Department Service Ribbon		X		BLUE	YELLOW	BLUE
Exceptional Inv. Award		X		GREEN		
Citizen Award	X					
Community Service Award	X					
10851 Award	Auto Club	Auto Club				
EMPLOYEES OF THE YEAR						
Officer	X	X				
Professional Staff	X	X				
Supervisor	X	X				
Volunteer	X	X				
Reserve Officer	X	X				

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## Fitness for Duty

### 1030.1 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).

### 1030.2 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.

### 1030.3 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 Bureau Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

## *Fitness for Duty*

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### **1030.4 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.

### **1030.5 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 Bureau Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### **1030.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.

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Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

### **1030.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

### **1030.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

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# Voluntary Wellness Program

## 1031.1 EMPLOYEE ELIGIBILITY

Participation in the on-duty wellness program is limited to the following job classes. Folsom Police Officers' Association:

- Police Sergeant
- Police Officer
- Community Service Officer

Unrepresented Police Management:

- Police Captain
- Police Lieutenant

Participants must be committed to a tobacco free lifestyle, both on and off duty.

## 1031.2 TOBACCO CESSATION AND AVOIDANCE

Tobacco use is the number one cause of heart disease, cancer, oral disease and respiratory problems. The Folsom Police Department discourages the use of all tobacco products.

Employees who are dependent on nicotine and desire to participate in the on-duty wellness program must participate in the City sponsored Kaiser Permanente Tobacco Cessation Program (Quit Tobacco Series). The Folsom Police Department understands that persons dependent on nicotine find it difficult to quit and often require multiple attempts to overcome the addiction.

## 1031.3 PROCEDURE

Employees receiving authorization to participate in the Voluntary Wellness Program must:

- (a) Obtain approval from their shift supervisor. Supervisory decision will be predicated on call load and current activity at the time of request.
- (b) Employee's utilizing facilities outside the police department must remain within the parameter of the Civic Center Complex. The Civic Center Complex shall include the Rodeo Grounds.
- (c) Employee's shall be granted up to four hours (not to exceed one hour per shift) of release time per workweek to exercise.
- (d) Employees must be back on-duty and available for calls within 60 minutes.

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## Meal Periods and Breaks

### 1032.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

#### 1032.1.1 MEAL PERIODS

Sworn employees, permanent Records staff, Community Service Officers, dispatchers and dispatch supervisors 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. Members assigned full-time to the police facility who take their meal break away from the facility shall maintain a method of communication in order to notify them of a necessary call-back to duty. These members shall respond back to duty within a reasonable period of time.

Uniformed patrol and traffic officers shall request clearance from the Communications Center prior to taking a meal period. On duty personnel shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1032.1.2 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.

On duty uniformed personnel shall monitor their radio during breaks and be subject to call-out at the discretion of a dispatcher or a supervisor. Personnel shall indicate their status and location through CAD when away from their vehicle. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

## Lactation Break Policy

### **1033.1 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).

### **1033.2 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 the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### **1033.3 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.

### **1033.4 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.



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## Time Card Procedures

### **1034.1 PURPOSE AND SCOPE**

Payroll records are submitted to Support Services on a bi-weekly basis for the payment of wages.

#### **1034.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS**

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

#### **1034.1.2 TIME REQUIREMENTS**

All employees are paid on a cycle set by the City with certain exceptions such as holidays. Payroll records shall be completed and submitted to Support Services no later than 8:00 a.m. on the published due date, unless specified otherwise.

### **1034.2 DISCREPANCY TRACKING**

Discrepancy tracking is used to ensure sick time used after a time card has been submitted is accurately tracked by payroll. A supervisor who receives a report that an employee is sick, after the time card covering that date has been submitted, will fill out a Time Earned-Off form indicating the time that was taken off. This form is retained in the team timecard folder and submitted with the employee's next time card. Although a supervisor may fill out this form, employees are ultimately responsible for ensuring the form is included in their next time card and his/her sick day is accurately reported to payroll.

# Overtime Compensation Requests

## 1036.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

### 1036.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the limit of compensatory time established by the current MOU.

## 1036.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

### 1036.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

### 1036.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Bureau Commander for final approval.

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### *Overtime Compensation Requests*

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#### **1036.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for call in). The supervisor will enter the actual time worked.

##### **1036.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR**

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

##### **1036.3.2 VARIATION IN TIME REPORTED**

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

# Mandatory Overtime

## 1037.1 PURPOSE AND SCOPE

The purpose of this policy is to standardize the mandatory hire overtime rotation list in a manner that is as fair as possible to all the officers and supervisors. The mandatory overtime list will be used for those situations that have been pre-planned such as special events and sobriety checkpoints. It may also be used in cases where an overtime shift has been posted, and the position has not been filled.

In cases where minimum staffing must be filled at the last minute due to sickness, family emergencies, and critical incidents, personnel currently working or those scheduled to work later should be ordered, if necessary, to hold over or come in early to maintain adequate staffing levels. The mandatory hire overtime rotation list should not be used in these cases. Encouraging officers to volunteer for the assignments is the preferred method, but in those cases where assignments have not been filled, the mandatory hire rotation policy will be utilized as indicated in this policy.

## 1037.2 PROCEDURE

Special events, sobriety checkpoints, saturation patrols and any other pre-planned overtime that has not been filled ten (10) days prior to the scheduled assignment will be subject to the mandatory hire rotation policy. Officers/supervisors may be ordered in with less than ten (10) days where overtime is required in the best interest of the City/Department.

Patrol Watch Commanders are expected to monitor the sign up lists for the events, encourage officers to voluntarily sign up for the assignments, and ultimately order the officers in if the assignment is not filled. The Watch Commander working the day the event reaches the tenth day prior to the event is responsible for ordering personnel to work the assignment.

## 1037.3 MANDATORY OVERTIME LIST

The Watch Commander will reference the mandatory overtime list stored on the city computer network before ordering personnel to work. The list is established in reverse seniority with the type of event, date of the event, hours of the event, and the Watch Commander handling the mandatory overtime listed at the top of the spreadsheet. The Watch Commander has the following disposition codes available to him/her when forcing overtime:

**Ordered** - Used to indicate that an officer was ordered to work the overtime.

**Bypassed** - Used in instances where an officer has already been ordered to work overtime and there are other officers available that have not been ordered. Comments do not need to be added in these cases.

Bypassed may also be used in cases where an officer has signed up to work other overtime assignments in that pay period, and the Watch Commander does not feel it would be reasonable to order the officer to work another shift. For instance, if an officer signs up to work three overtime shifts during the rodeo and a fourth day needs filled, it would not be reasonable to order that

## *Mandatory Overtime*

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officer to work another shift. Comments justifying why the officer was bi-passed must be added in these cases.

The Watch Commander handling each mandatory overtime event has final discretion regarding bypassing an individual or ordering him/her to work the event. There may be several reasons why an officer was bypassed. In some cases a significant hardship may occur if an officer is ordered to work. It is the Watch Commander's responsibility to justify his/her actions in the comments section while reflecting on the Mission, Vision, and Values of the Folsom Police Department.

**Sick** - Used when an officer is on sick leave or medical leave and is not available to work the event.

**I.O.D.** - Used when an officer is off on a work related injury.

**Vacation** - Used when an officer has prescheduled or approved leave and is not available to work the event.

**Training** - Used when an officer is scheduled for training or attending a departmentally approved college class during the event.

**Volunteered** - Used when an officer volunteers for the event after the Watch Commander has started the mandatory hire process.

The Watch Commander will start each mandatory hire process in reverse seniority beginning with the lowest in seniority as indicated on the spreadsheet. If an officer is ordered in, the event on the spreadsheet and the officer's name will be highlighted in yellow for the officer to indicate that he/she was ordered to work overtime. The Watch Commander will begin the next mandatory hire with the lowest senior officer and by-pass those that have already been ordered to work. When the Watch Commander reaches an officer who is not highlighted, and eligible to work that event, the Watch Commander will highlight that individual after ordering him/her to work the overtime.

It is expected that there will be situations where an individual is ordered to work overtime more than once before other officers have been ordered to work an event. This could occur if the date that needed to be filled was on the same date that some available officers were at school, vacation, extended sick leave, etc. The spirit behind this policy is to be fair to all personnel subject to being ordered to work overtime.

### **1037.4 RECORD RETENTION AND MAINTENANCE**

The mandatory hire spreadsheet will be located on the City of Folsom Network with secure, restricted, and protected access for lieutenants and above only.

At the end of each fiscal year the spreadsheet will be printed out and maintained in a folder in records for a period of two years from the date of the last mandatory overtime event. The electronic copy of the spreadsheet will be cleared to allow for entries in the next fiscal year. At the end of that two year period the document may be destroyed pursuant to the department's pre-established protocol for destruction of records.

### *Mandatory Overtime*

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#### **1037.5 NOTIFICATION**

The Watch Commander will use the method outlined above for determining who will be ordered to work. The Watch Commander will notify the affected officers by phone or in person as soon as practicable with the goal of giving the officer as much advance notice as possible. The Watch Commander will send the officer an e-mail of the order and place a hard copy in the officer's mailbox.

If the Watch Commander is unable to contact the officer he/she will leave a message on the officer's voice mail, send the officer an e-mail, place a hard copy of the memo in the officer's box, and request that the officer's supervisor provide personal notification when the officer returns to work. The officer's supervisor will then send a confirmation e-mail to the Watch Commander who handled the mandatory overtime. The supervisor will indicate the date and time that the employee was personally notified.

#### **1037.6 VOLUNTEERS**

Officers who have been ordered to work overtime may find another officer who is willing to work the assignment for them. If the officer who was ordered to work finds someone willing to work, he/she will notify (verbally and in writing through a department memorandum) the Watch Commander who handled the mandatory overtime for that event.

The Watch Commander will change the disposition code on the officer's name from "mandatory" to "bypassed" and provide comments explaining the circumstances and the name of the officer volunteered for the event. The Watch Commander will then place "volunteered" in the disposition code for the officer who volunteered to work the assignment.

# Outside Employment

## 1038.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

### 1038.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

## 1038.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

### 1038.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

## *Outside Employment*

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

### **1038.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS**

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

### **1038.3 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 department 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.



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#### 1038.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
  - 1. The officer(s) shall wear the department uniform/identification.
  - 2. The officer(s) shall be subject to the rules and regulations of this department.
  - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  - 5. Outside security services shall not be subject to the collective bargaining process.
  - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

#### 1038.3.2 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.

#### 1038.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

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### **1038.4 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.

#### **1038.4.1 REVIEW OF FINANCIAL RECORDS**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

### **1038.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

### **1038.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

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- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Folsom Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

# Occupational Disease and Work-Related Injury Reporting

## 1040.1 RESPONSIBILITIES

### 1040.1.1 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).

### 1040.1.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly to administration. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

## 1040.2 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Bureau Commander through the chain of command and a copy sent to the Administration Bureau Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

## 1040.3 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible, who will forward the information to Human Resources.

### 1040.3.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The

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purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City 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 City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

# Personal Appearance Standards

## 1042.1 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.

## 1042.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

### 1042.2.1 HAIR

Hairstyles of all members shall be neat in appearance. Officers working uniformed assignments shall wear their hair so it does not extend below the top edge of the uniform collar while assuming a normal stance

### 1042.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

### 1042.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

### 1042.2.4 FACIAL HAIR

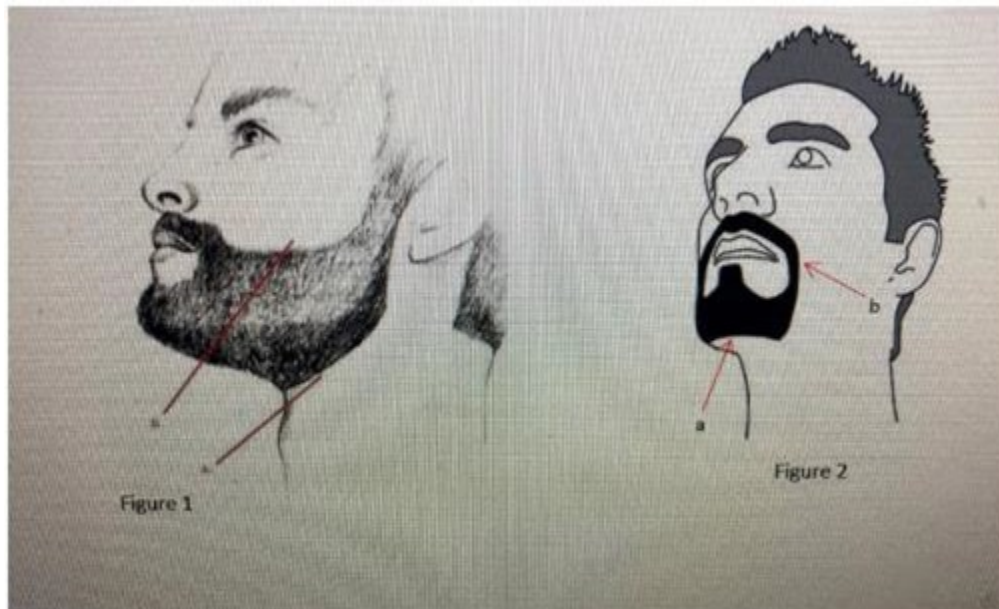
Employees may grow a circle beard or full beard, but must maintain the following:

- (a) If a full beard is worn, it shall be with a mustache and cover the complete jaw line. It may cover below the jaw horizontally but end before the downward curve of the neck at a clean shave line. Cheeks shall be shaved on and above the lower edge of the cheekbone. The neck shall be clean shaven on and below the Adam's apple. (See Figure 1)
- (b) If a circle beard is worn, it shall not extend below the natural jaw line (Figure 2) or extend more than ½ inch past the corner of the mouth (Figure 2b).
- (c) The beard shall be kept tidy, neatly trimmed (between ¼ to ½ inch in length) with no unnatural patterns, designs, ornaments, braids, or decorative accessories allowed. No portion of the beard shall be exceptionally longer than the rest.
- (d) Facial hair must be natural in color and cannot be intentionally colored to contrast the hair on the scalp.

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- (e) The facial hair policy is not intended for individuals who forget to shave prior to their shift and attempt to use provisions in this policy as reasons to sporadically stay in compliance.
- (f) For employees who may be required to wear a respirator or gas mask while performing work functions, the ability to maintain a tight seal while wearing the mask is a critical safety measure. Consequently, employees who elect to grow a beard shall ensure they maintain the ability to pass department gas mask fit testing.
- (g) Beards are authorized for wear with the Class A uniform. All personnel in Class A uniform shall have their facial hair neatly trimmed, and in accordance with this policy.
- (h) Employees with a medical condition precluding shaving shall present a written statement signed by a physician verifying such condition to the City of Folsom Human Resources Department.
- (i) Employees working in an approved undercover capacity are exempt from the provisions of this order except when they are in uniform.



The following styles of facial hair are NOT permitted:

- (a) Chin Strap Beards – Beards that are trimmed to a thin line along the jaw.
- (b) Patchy Beards – Beards of uneven or patchy growth. (Excluding those resulting from scars)
- (c) Beards Taking Excessive Time to Grow – If, after two (2) weeks of growth, the beard remains patchy.
- (d) Designer Stubble – Beards shorter than 1/16 of an inch.

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- (e) Neck beards – Beards with all areas shaved above the jawline leaving the beard only on the neck.
- (f) Single patches of hair below the lower lip and above the chin.

#### **1042.2.5 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.

#### **1042.2.6 JEWELRY, BODY PIERCING AND ACCESSORIES**

No jewelry or personal ornaments shall be worn 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. Except for a single stud pierced earring worn in the lobe of each ear of a female employee (not dangling), no body piercing shall be visible while any employee is on duty or representing the department in any official capacity without prior authorization from the Chief or in compliance with this policy. Members assigned to work within the police facility may wear a single nose stud not to exceed 2mm.

#### **1042.3 TATTOOS**

The appearance of Department personnel is of the utmost importance. The image presented to the community must be one of professionalism. This policy is intended to balance an employee's constitutional right to free expression with the community's expectation of professionalism.

Personnel considering adding a tattoo are strongly urged to review the matter within their chain of command if they have any doubt to the permissibility of the item. The department will not accept the expense of tattoo removal or any other expense associated with compliance with this policy.

Personnel are prohibited from having tattoos, body art, or brands on any part of the neck, face, or head. Personnel are also prohibited from tattoos on fingers, with the exception of one circular tattoo no larger than 1/4" width, on a single digit of one hand.

Tattoos that are visible while on-duty shall not exhibit:

- Depictions of nudity or violence
- Sexually explicit or vulgar art, works, phrases, or language
- Symbols likely to elicit a strong negative reaction in the workplace or public
- Illustrations, references, symbols, acronyms, etc. that represent criminal, oppressive, prejudicial, or discriminatory beliefs or organizations
- Political beliefs, political parties, or represent any in negative lights
- Illustrations, references, symbols, acronyms, etc. that denigrate the United States, State of California, City of Folsom, or the Folsom Police Department.



### *Personal Appearance Standards*

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Personnel found displaying tattoos that are determined to be in violation of the above must conceal or remove the tattoo. Concealment will be accomplished by a skin-colored bandage or discrete article of clothing.

If a disagreement to the permissibility of a tattoo occurs, the Chief of Police shall decide whether or not the items is within policy.

Under no circumstances are tattoos permitted to be visible while in Class A uniform.

#### **1042.4 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

# Uniform Regulations

## 1044.1 PURPOSE AND SCOPE

The uniform policy of the Folsom Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Folsom 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.

### 1044.1.1 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. The prescribed uniform for the members of the Department shall be the uniform established by the Chief of Police and shall be worn at all times when on duty unless otherwise directed.

- (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. Uniforms shall not be excessively faded, torn, improperly fitted or otherwise detract from the overall appearance of the member.
- (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. Personnel instructed to correct deficiencies shall construe such instruction as an order.
- (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 as outlined in this policy. Any other uniform items or equipment not contained herein are prohibited unless approved in writing by the Chief of Police.
- (e) *Approved likeness* as contained in this policy requires written approval from the Chief of Police.

# Folsom Police Department

## Folsom PD Policy Manual

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- (f) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (g) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (h) 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.
- (i) 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.
- (j) Employees are not to consume alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (k) Employees are not to purchase alcoholic beverages while wearing any uniform apparel that identifies the employee as a member of the Folsom Police Department.
- (l) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee.
  - 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
  - 4. Necklace of tasteful design. A Maximum of one may be worn.
  - 5. Bracelet of tasteful design. A Maximum of one may be worn.

#### 1044.1.2 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

#### 1044.1.3 INSIGNIA AND PATCHES

- (a) The regulation brass nameplate or embroidered nameplate shall be worn at all times while in uniform. The nameplate shall display the employee's last name only. The nameplate shall be centered 1/4 inch above the right pocket. Embroidered nameplates

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will be in gold thread with 1/2 inch block lettering. The brass nameplate shall have 1/2 inch black block lettering.

- (b) Gold rank band(s) 1/2 inch in width beginning 3 inches above both sleeves shall be worn on the Ike Jacket for Command Staff members who wear Ike Jackets. The Chief of Police shall wear four bands, Commanders three bands, and Lieutenants one. Spacing between each rank band shall be 1/4 inch.
- (c) Service award pins shall only be worn on the Class A uniform and Command Staff Ike jackets. The service award pins shall be worn centered, 1/4 inch above the brass nameplate and shall not exceed three award pins per row. The service award pins shall be displayed in order of highest award honor to lowest, starting with the highest recognized award on the right. Refer to FPPM 1029 – Employee Recognition for award pin definitions/descriptions.
- (d) Employees awarded more than one of the same pin for multiple incidents shall only wear one of that pin on their uniform at any time. (i.e. Receiving multiple lifesaving awards for separate incidents.)
- (e) On all uniforms, the American flag pin may be worn centered 1/4 inch above the left breast pocket and below the badge.
- (f) Officers may wear a military service, branch specific pin, on their Class B and Class C uniform, on the right shirt pocket flap, in the upper right corner, 1/4 inch from the inside row of stitching and 1/4 inch below the top of the pocket flap. Service members will be issued a separate military service pin for their Class A uniform.
- (g) Special Assignment pins (i.e. Traffic, K-9, SWAT, Mounted, FTO) must be approved by the Chief of Police and shall be worn centered, 1/4 inch above the nameplate, over the right breast pocket on Class A, B and C uniforms. If displaying service award pins, the assignment pin will be worn centered 1/4 inch above the service award pins. Only one assignment pin may be worn on the uniform.
- (h) Marksmanship pins may only be worn on Class B and C uniforms. The marksmanship pins shall be worn on the right shirt pocket flap, in the upper left corner, 1/4 inch from the inside row of stitching and 1/4 inch below the top of the pocket.
- (i) Commemorative pins and other pins may be worn for the prescribed time period upon written approval from the Chief of Police. These pins will be worn in the same fashion as the marksmanship pins.

#### 1044.1.4 POLITICAL ACTIVITIES / ENDORSEMENTS / ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Folsom Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, or identify him/herself as an employee of the Folsom 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

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- (c) Endorse, support, or oppose, any product, service, company or other commercial entity

#### 1044.1.5 OPTIONAL MAINTENANCE AND REPLACEMENT

- (a) Optional clothing and/or equipment shall be purchased at the expense of the employee after the equipment has received written approval from the Chief of Police or his/her designee. No part of the purchase cost shall be offset by the Department.
- (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 approved in 1046.16 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. (Policy Manual § 700)

#### 1044.1.6 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 or faded.
- (b) All male administrative, investigative and support personnel who are authorized to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are professional business attire.
- (c) All female administrative, investigative, and support personnel who are authorized to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits that are professional business attire.
- (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 Police or his/her designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

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- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Folsom Police Department or the morale of the employees.

#### 1044.1.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Folsom Police Department employees may not wear any uniform item, accessory, attachment or any piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or approved in writing by the Chief of Police or his/her designee.

#### 1044.2 UNIFORM AND EQUIPMENT SPECIFICATIONS (SWORN PATROL OFFICER UNIFORMS)

**Class "A"** - The Class "A" uniform includes a long sleeve LAPD blue shirt with black tie, tie bar, LAPD blue trousers and authorized footwear. The bottom of the trousers will rest on the shoe with a very slight break. Shirts will have the gold name plate with black lettering. The straw campaign hat for sergeants and officers, and dress hat for Command Staff, shall be worn as directed by the Chief of Police. Class "A" equipment will be limited to the uniform belt, equipment belt, holster (no thigh holsters), handgun, magazine pouch, magazines, one handcuff case, handcuffs, four keepers, and O.C. holder and O.C. . Cell phones, pagers and other accessories shall not be visibly attached to Class "A" uniforms. The Class "A" uniform will be worn at ceremonial occasions, or as directed by the Chief of Police.

##### 1044.2.1 SWORN CLASS "A" UNIFORM SPECIFICS

- (a) **Shirts** - Flying Cross brand or approved likeness, LAPD blue long sleeve, military creases (not included in all wool shirt), plain pocket flaps, placket front, epaulets, zippered front with buttons, Velcro on breast pockets with buttons sewn on flap, brass name plate (no embroidered names on Class "A" shirt), all-wool lot #20W9586 or perma press blend lot #48W6686
- (b) **Tie** - Male and female Samuel Broome Brand, black in color, Windsor knot, break away style - Lot #45015, brass tie bar ( 1/2 inch by 2 3/8 inch) positioned in a horizontal line across the bottom of the shirt pocket flaps.
- (c) **Trousers** - Flying Cross brand or approved likeness, LAPD blue trouser style pockets, sap pockets, all-wool lot #32289 or wool blend lot #48289
- (d) **Uniform Belt** - Black leather, basket weave design, 1 1/2 inches in width with Velcro on interior side
- (e) **Equipment Belt** - The equipment belt for Class "A" will include the following accessories: holster, handgun, magazine pouch, magazines, one handcuff case, handcuffs, four keepers, O.C. holder and O.C.
- (f) **Footwear** - High or low cut military style, smooth black leather or corfam, round toe, center lace style with no buckles or other ornamentation; or a black, soft sole,

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light weight leather shoe capable of retaining a high shine. Boots meeting the same specifications may also be worn.

- (g) **Hats** - Campaign hats for sergeants and officers, and dress hats for Command Staff as directed by the Chief of Police.
- (h) **Jackets** - Command Staff Only Sinatra Mfg. or similar approved likeness Ike Jacket LAPD blue, wool, gold P-buttons on pockets and epaulets, gold zippered front without buttons

#### 1044.2.2 SWORN CLASS "B" UNIFORM

- (a) Refer to Administrative Directive # 22-010

#### 1044.2.3 SWORN CLASS "C" UNIFORM

- (a) Refer to Administrative Directive # 22-010

#### 1044.2.4 JACKETS/RAINWEAR

- (a) Refer to Administrative Directive # 22-010

#### 1044.2.5 HEADGEAR

- (a) Refer to Administrative Directive # 22-010

#### 1044.2.6 PERSONALLY PURCHASED CLOTHING

- (a) **Socks** - Shall be solid black in color without design when wearing uniform trousers. Socks shall be tennis cut solid white or solid black not to exceed 1/2 inch above the ankle bone when wearing uniform shorts
- (b) **Tee-Shirt** - White or black crew neck
- (c) **Turtleneck Dickie** - Shall be black in color. May have "FPD" embroidered in gold 1/2 inch block font on left side collar of turtleneck. No other insignia or embroidery is authorized.
- (d) **Class "C" Uniforms** - Class "C" uniforms, unless otherwise stated, will be purchased at the expense of the employee.

#### 1044.2.7 EQUIPMENT BELT

The finish shall be black basket weave design, approximately 2 and 1/4 inch in width. The outer surface shall be pure black. Buckle will be black polymer. Buckle will be brass finish.

An officer wearing a leather utility belt shall ensure that all equipment cases and keepers on the belt are leather with hidden snaps when applicable. There shall be no mixing of leather and nylon on utility belts.

#### Issued Belt Equipment Accessories

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All Duty Belt equipment (with the exception of weapon's holsters) supplied by the department shall be Bianchi AccuMold Elite Brand with hidden snaps when applicable.

#### **ITEM / Style**

Uniform Belt / 8105 or 8106, Equipment Belt / 7950, Double Magazine Holder / 7902, Handcuff Case / 7900, Handcuff Case (Double) / 7917, OC Spray Holder / 7907, Baton Holder/ (appropriate to device) / Flashlight Holder / 7909 or 7926, Silent Key Holder / 7916, Belt Keepers (4) / 7906, Radio Holder / 7914S or 7923

Any variation from the above duty belt equipment requires advanced written approval from the Division Commander. The employee and the approving Division Commander or his/her designee will sign the document, and it will be placed in the employee's personnel file for future reference.

#### **HANDGUN HOLSTERS**

Holsters used by sworn officers must meet the following criteria:

- The holster must have a minimum of two safety features for handgun retention. Any combination of safety features is acceptable including, but not limited to internal locking mechanisms, retention straps, and retention hoods. High rise design by itself will not be acceptable.
- The holster must be black basket weave in appearance.
- The holster must be made specifically for the handgun issued by the Folsom Police Department.
- Personnel who have written approval to carry a back-up weapon while on duty must have the holster approved by the Operations Division Commander or his/her designee prior to use.
- Personnel assigned to a plain clothes assignment must have the holster approved by the Support Services Division Commander or his/her designee prior to use.
- The approval of alternate, back-up holsters or plain clothes holsters must be in writing with the make and model of the holster indicated. The employee and the approving Division Commander or his/her designee will sign the document, and it will be placed in the employee's personnel file for future reference. A copy will be forwarded to the range master.

#### **CONDUCTED ENERGY DEVICE HOLSTERS**

Duty belt mounted CED holsters will be issued to all sworn uniformed personnel. Thigh holsters may be issued on a case-by-case basis as approved in writing by the Division Commander. The decision will include considering the amount of room available on the officer's equipment belt to carry the department issued accessories. The employee and the approving Division Commander



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or his/her designee will sign the document, and it will be placed in the employee's personnel file for future reference.

#### 1044.2.8 PATROL OFFICER DEPARTMENT ISSUED UNIFORMS AND EQUIPMENT

Sworn personnel will receive the following equipment upon being hired with the department:

##### **Uniform:**

- 2 long sleeve shirts
- 1 long sleeve class "A" shirt
- 3 short sleeve shirts
- 1 brass name plate
- 3 trousers
- 1 class "A" trouser
- 1 rain resistant cold-weather jacket
- 1 reflective vest
- 1 rain pants
- 1 shoes or boots
- 1 straw campaign hat
- 1 hat piece
- 1 tie with brass tie bar
- 1 uniform belt

##### **(b) Equipment:**

- 1 badge
- 1 body armor
- 1 equipment belt
- 1 patrol duty holster
- 1 double magazine holder
- 2 handcuffs
- 1 double handcuff case or 2 singles
- 1 key holder

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- 4 keeper straps
- 1 baton holder
- 1 expandable baton
- 1 flashlight
- 1 flashlight holder
- 1 O.C. spray
- 1 O.C. spray holder
- 1 hand held radio and accessories
- 1 hand held radio holder
- 1 tactical helmet
- 1 gas mask
- 1 CPR mask
- 1 department handgun
- 3 magazines
- 1 CED with holster
- 1 digital recorder

### **1044.3 SWORN SPECIALTY ASSIGNMENTS**

The department recognizes the need for special uniforms in certain specialty assignments. Officers assigned to these duties shall adhere to the specifications as outlined in this policy.

#### **1044.3.1 MOTOR UNIFORM SPECIFICATIONS**

The motor uniform shall be the same as the sworn patrol officer class "A" and "B" uniform when the motor officer is not actively riding a police motorcycle. When riding a police motorcycle, the motor uniform shall be the same as the sworn patrol officer with the following exceptions:

- (a) **Uniform Trouser Class "A"** - Flying Cross motor breeches or approved likeness, royal blue, seam stripe (1" wide) with gold center stripe sewn from the bottom of the waistband (AKA: CHP Braid).
- (b) **Motor Helmet** - Shoei Neotec 2 Police Motorcycle Helmet, or likeness with Division Commander approval, white over black, DOT approved. .
- (c) **Motor Boots Class "A"** - Danner (laced instep, top strap) or approved likeness
- (d) **Class "A" Tie** - Male and female Samuel Broome Brand, black in color, Windsor knot, break away style - Lot #45015, brass tie bar ( 1/2 inch by 2 3/8 inch) positioned in a horizontal line across the bottom of the shirt pocket flaps
- (e) **Class "A" Ascot (Optional)** – Yellow 822 bib scarf/ascot #63198-086-00822
- (f) **Class "A" Aiguillettes (Optional)** – Gold braid with brass tip

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- (g) For optional Class "B" and Class "C" Uniforms and Equipment, refer to Administrative Directive # 22-010

#### 1044.3.2 K-9 UNIFORM SPECIFICATIONS

The uniform for officers assigned to the K-9 Unit is the same as the sworn patrol officer. K-9 Officers may utilize the optional Department issued cloth badge in place of the regular badge.

- (a) Refer to Administrative Directive #22-010

#### 1044.3.3 SWAT UNIFORM SPECIFICATIONS

- (a) Refer to Administrative Directive # 22-010

#### **SWAT Issued Uniforms and Equipment**

- 2 long sleeve shirts
- 2 TDU pants
- 1 tactical ballistic load bearing vest
- 1 ballistic helmet
- 1 eye protection
- 2 elbow pads
- 2 knee pads
- 1 Nomex gloves
- 1 tan tactical boots
- 1 flashlight
- 1 handcuffs
- 1 Glock 17 9mm handgun with weapon mounted light system
- 3 17 round magazines
- 1 M-4 tactical rifle with weapon mounted light system and sighting system
- 3 30 round magazines for M-4 rifle
- 1 Accuracy International AT-.308 cal precision rifle (snipers only)
- 1 tactical holster
- 1 gas mask
- 1 hydration system

#### 1044.3.4 HONOR GUARD UNIFORM SPECIFICATIONS

- (a) **Shoes** - High gloss Oxford #67964-076-0092 or approved likeness

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- (b) **Trousers** - Same as Class "A" sworn patrol, commonly referred to as "Fireman" Class "A", without the sap pocket
- (c) **Hat** - Stratton Felt Campaign Style, Model F40, navy blue with gold lanyard and gold acorns, FPD standard issue brass (gold) hat piece affixed to the front.
- (d) **Hat Badge** - Same as sworn patrol.
- (e) **Name** - Same as Class "A" sworn patrol.
- (f) **Equipment Belt** - Clarino high gloss black leather to include a gold buckle.
- (g) **Holster**- Clarino high gloss, Safariland model 2955-83-91, Glock Level II with 1.5" drop.
- (h) **Collar Brass** – "Collinson Enterprises" cross guns, brass finish.
- (i) **Gloves** - Premier or approved likeness White cotton, extra long, sure grip gloves, 12 inch.
- (j) **Jacket** - Flying Cross USMC style, single breasted men's officer dress blue jacket, L.A.P.D. blue, 100% wool two piece, Style FPDHGCT01, gold piping on lapels and collar, four button front with "P" buttons, "P" buttons on epaulets, pockets, gold service stars shall be worn on the left sleeve. They are to machine stitched onto the uniform. One star represents five years of service. Rank insignias (Sergeants & Corporals) will wear brass chevrons on lapels.

#### 1044.3.5 MOUNTED UNIFORM SPECIFICATIONS

- (a) **Class "A"**: The Class "A" uniform will match the Class "A" patrol officer uniform specifications with the following exceptions:
  - 1. Elk skin gauntlet gloves will replace cotton gloves
  - 2. Calvary pin
  - 3. Class "A" Ascot (Optional) - Yellow 822 bib scarf/ascot #63198-086-00822
  - 4. Motor Boots Class "A" - Danner (laced instep, top strap) or approved likeness
  - 5. Silver spur (optional)
  - 6. Black felt western hat with hat piece and gold acorns.
- (b) **Class "B"**: Refer to Administrative Directive # 22-010
- (c) **Class "C"**: Refer to Administrative Directive # 22-010

#### 1044.3.6 BICYCLE UNIFORM SPECIFICATIONS

The Class "A" uniform is the same as the sworn patrol officer. The Class "B" uniform recognizes the special needs of the assignment. The following Bicycle Class "B" uniform is authorized:

- (a) **Class "B"**: Refer to Administrative Directive # 22-010

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#### 1044.3.7 SCHOOL RESOURCE OFFICER UNIFORM SPECIFICATIONS

The Class "A" and "B" Uniform is the same as the sworn patrol officer. The following Class "C" uniform is authorized for special school functions:

- (a) Class "C" Shirt – Refer to Administrative Directive # 22-010

#### 1044.3.8 ADMINISTRATION SPECIFICATIONS

Sworn personnel assigned to administrative positions may wear a modified version of the Class "A" uniform and/or duty belt as a more formal uniform appearance may be appropriate during certain functions of their duties. The modified uniform shall be worn with the approval of the Chief of Police or his/her designee.

#### 1044.4 INVESTIGATOR UNIFORM SPECIFICATIONS

The Class "A" uniform is the same as the sworn patrol officer. The Class "B" uniform recognizes the special needs of the assignment and the following is authorized:

- (a) Suit or sport coat with dress shirt and tie (mandatory for court appearances)
- (b) Casual business attire
- (c) Appropriate dress for individual special operations with supervisor approval

#### 1044.4.1 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 band shall be worn across the badge from the 1 o'clock (on the point of the star) to the 7 o'clock position (in the valley between the stars.) The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

#### 1044.5 COMMUNITY SERVICE OFFICER / ANIMAL CONTROL OFFICER UNIFORM SPECIFICATIONS

- (a) **Class "A"** - The Class "A" uniform includes a long sleeve shirt with black tie, trousers, uniform belt and approved footwear. Cell phones, pagers and other accessories shall

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not be visibly attached to Class "A" uniforms. The Class "A" uniform will be worn at ceremonial occasions, or as directed by the Chief of Police.

- (b) **Class "B"** - The Class "B" uniform includes a long or short sleeve shirt with black tie optional on the long sleeved shirt, trousers, uniform belt, equipment belt with issued accessories and approved footwear. The Class "B" uniform will be the normal duty uniform.
- (c) **Class "C"** - The Class "C" uniform may be worn during a routine duty shift to allow community service officers cooler clothing during the summer months or special assignments.

#### 1044.5.1 COMMUNITY SERVICE OFFICER / ANIMAL CONTROL OFFICER SHIRT SPECIFICS

- (a) Name shall be embroidered in silver thread and centered 1/4 inch above the right front pocket on all classes of shirts. Lettering shall be in 1/2 inch block font.
- (b) Patch shall be 3/4 inch below shirtsleeve head seam. "Community Service Officer" rocker will be sewn directly beneath the patch on shirts and jackets.
- (c) Service Stripe shall be 1/2 inch above the seam of left cuff on long sleeve shirt, placed on the inside of the crease at a 45-degree angle. One stripe represents five years of service.

#### 1044.5.2 COMMUNITY SERVICE OFFICER / ANIMAL CONTROL OFFICER CLASS "A" UNIFORM

- (a) **Shirt** - Flying Cross Brand or approved likeness, slate gray, long sleeve, sewn in crease, plain pocket flaps, epaulets, zippered front with buttons, Velcro on breast pockets with buttons sewn on flap, name embroidered on the shirt per FPPM 1044.51(a), Lot #46W6691, 65% Dacron polyester, 35% Rayon
- (b) **Trousers** - Same as sworn patrol
- (c) **Tie** - Same as sworn patrol
- (d) **Uniform Belt** - Black leather, basket weave design, 1 1/2 inches in width with brass buckle
- (e) **Footwear** - Same as sworn patrol
- (f) **Hats** - Same as sworn patrol

#### 1044.5.3 COMMUNITY SERVICE OFFICER / ANIMAL CONTROL OFFICER CLASS "B" UNIFORM

- (a) Refer to Administrative Directive # 22-010

#### 1044.5.4 COMMUNITY SERVICE OFFICER / ANIMAL CONTROL OFFICER CLASS "C" UNIFORM

- (a) Refer to Administrative Directive # 22-010

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#### 1044.5.5 COMMUNITY SERVICE OFFICER / ANIMAL CONTROL OFFICER JACKETS/ RAINWEAR

- (a) Refer to Administrative Directive # 22-010

#### 1044.5.6 COMMUNITY SERVICE OFFICER DEPARTMENT / ANIMAL CONTROL OFFICER ISSUED EQUIPMENT

##### **Uniform:**

- 2 long sleeve shirts
- 3 short sleeve shirts
- 3 trousers
- 2 shorts (CSO)
- 1 foul weather jacket
- 1 reflective vest
- 1 rain pants
- 1 shoes or boots
- 
- 
- 1 tie with brass tie bar
- 1 uniform belt

##### **Equipment:**

- 1 body armor
- 1 equipment belt
- 1 handcuffs (CSO)
- 1 handcuff case (CSO)
- 1 key holder
- 4 keeper straps
- 1 flashlight
- 1 flashlight holder
- 1 O.C. spray
- 1 O.C. spray holder
- 1 hand held radio and accessories

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- 1 hand held radio holder

#### 1044.6 PROFESSIONAL SUPPORT STAFF UNIFORM SPECIFICATIONS

- (a) **Class "A"** - The Class "A" uniform includes a long sleeve shirt with black tie, trousers, uniform belt and approved footwear. Cell phones, pagers and other accessories shall not be visibly attached to Class "A" uniforms. The Class "A" uniform will be worn at ceremonial occasions, or as directed by the Chief of Police. Includes all Professional Support Staff.
- (b) **Class "B"** -Refer to Administrative Directive # 22-010

##### 1044.6.1 COMMUNICATIONS RECORDS AND PROFESSIONAL SUPPORT STAFF SHIRT SPECIFICS

- (a) **Name** - shall be embroidered in 1/2 inch block font with royal blue thread on Class "A" shirts and centered 1/4 inch above the right front pocket. On the Class B shirt the name shall be embroidered in 1/2 inch block font with gold thread and centered on the right upper chest portion of the shirt.
- (b) **Patch** - shall be 3/4 inch below shirtsleeve head seam. No patches on the Class B shirt.
- (c) **Communications Personnel** - "Communications" shall be stitched in 1/2 inch block font with royal blue thread and centered 1/4 inch above the left front pocket on the Class A shirt. "Communications" shall be stitched in 1/2 inch block font with gold thread and centered below the embroidered name on the right side for the Class B shirt.
- (d) **Records Personnel** - "Records" shall be stitched in 1/2 inch block font with royal blue thread and centered 1/4 inch above the left front pocket on the Class A shirt. "Records" shall be stitched in 1/2 block font with gold thread and centered below the embroidered name on the right side for the Class B shirt.
- (e) **Administrative Personnel** - "Administration" shall be stitched in 1/2 inch block font with royal blue thread and centered 1/4 inch above the left front pocket.
- (f) **Investigations Personnel** - "Investigations" shall be stitched in 1/2 inch block font with royal blue thread and centered 1/4 inch above the left front pocket.

##### 1044.6.2 COMMUNICATIONS RECORDS AND PROFESSIONAL SUPPORT STAFF CLASS "A" UNIFORM

- (a) **Shirt** - Flying Cross Brand or approved likeness, slate gray, long sleeve, sewn in crease, plain pocket flaps, epaulets, zippered front with buttons, Velcro on breast pockets with buttons sewn on flap, name embroidered on the shirt per FPPM 1044.51(a), Lot #46W6691, 65% Dacron polyester, 35% Rayon.
- (b) **Tie** - Same as sworn patrol Class "A"
- (c) **Trousers** -Same as sworn patrol Class "A"



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- (d) **Uniform Belt** - Black leather, basket weave design, 1 or 1-1/2 inches in width with brass buckle
- (e) **Footwear** - Same as sworn patrol Class "A"

#### 1044.6.3 COMMUNICATIONS RECORDS AND PROFESSIONAL SUPPORT STAFF CLASS "B" UNIFORM

- (a) Refer to Administrative Directive # 22-010

#### 1044.6.4 COMMUNICATIONS RECORDS AND PROFESSIONAL SUPPORT STAFF ADDITIONAL UNIFORMS

- (a) Refer to Administrative Directive # 22-010

#### 1044.6.5 COMMUNICATIONS RECORDS AND PROFESSIONAL SUPPORT STAFF ISSUED UNIFORMS:

Professional Support Staff assigned to Communications and Records will receive (1) long sleeve shirt, (4) vertex poloshirts, (3) trousers, (1) jacket, (1) tie, (1) uniform belt and (1) pair of shoes.

#### 1044.6.6 ADMINISTRATION AND INVESTIGATIONS SUPPORT STAFF ISSUED UNIFORMS

Professional Support Staff assigned to Administration and Investigations will receive (1) long sleeve, shirt, (1) trouser, (1) tie, (1) uniform belt and (1) pair of shoes for Class "A" events.

### 1044.7 PROPERTY AND EVIDENCE UNIFORM SPECIFICATIONS

- (a) **Class "A"** - The Class "A" uniform includes a long sleeve shirt with black tie, trousers, uniform belt and approved footwear. Cell phones, pagers and other accessories shall not be visibly attached to Class "A" uniforms. The Class "A" uniform will be worn at ceremonial occasions, or as directed by the Chief of Police.
- (b) **Class "B"** - The Class "B" uniform includes a polo shirt, trousers, a uniform belt and authorized footwear. The Class "B" uniform will be the normal duty uniform.

#### 1044.7.1 PROPERTY AND EVIDENCE CLASS "A" UNIFORM

- (a) **Shirts-** Flying Cross Brand or approved likeness, slate gray, long sleeve, sewn in crease, plain pocket flaps, epaulets, zippered front with buttons, Velcro on breast pockets with buttons sewn on flap, name embroidered on the shirt per FPPM 1044.51(a), Lot #46W6691, 65% Dacron polyester, 35% Rayon
- (b) **Tie** - Same as sworn patrol
- (c) **Trousers** -Same as sworn patrol
- (d) **Uniform Belt** - Black leather, basket weave design, 1 or 1-1/2 inches in width with brass buckle
- (e) **Footwear** - Same as sworn patrol

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#### 1044.7.2 CLASS "B" PROPERTY AND EVIDENCE SHIRT SPECIFICS

- (a) Folsom Police Car Graphics shall be centered on the left chest with lettering in the following font:
  1. Folsom ( 1/4 inch font, block letters, lower case)
  2. POLICE (1 inch font, block letters, upper case)
  3. Department ( 1/4 inch font, block letters, lower case)
- (b) "Evidence/Property Technician" shall be embroidered centered on the right chest with "Evidence/Property" centered over "Technician" in 1/2 inch comic sans font.

#### 1044.7.3 PROPERTY AND EVIDENCE CLASS "A" UNIFORM

- (a) **Shirt** - Same as Class "A" communications and records, name embroidered on the shirt as outlined in FPPM 1044.71(a), assignment embroidered on the shirt as outlined in FPPM 1044.71(c), "Property" embroidered on the shirt as outlined in FPPM 1044.71(c)
- (b) **Tie** - Males same as sworn patrol. Females same as motors
- (c) **Trousers** - Same as sworn patrol
- (d) **Uniform Belt** - Same as community service officer
- (e) **Footwear** - Same as sworn patrol

#### 1044.7.4 PROPERTY AND EVIDENCE CLASS "B" UNIFORM

- (a) Refer to Administrative Directive # 22-010

#### 1044.7.5 PROPERTY AND EVIDENCE ADDITIONAL UNIFORMS

- (a) Refer to Administrative Directive # 22-010

#### 1044.7.6 PROPERTY AND EVIDENCE ISSUED UNIFORMS:

##### Uniform:

- 1 Class "A" shirt
- 4 polo shirts
- 3 trousers
- 1 sweater
- 1 tie
- 1 uniform belt
- 1 shoes

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#### 1044.8 VOLUNTEER UNIFORM SPECIFICATIONS

- (a) **Class "A"** - The Class "A" uniform includes a long sleeve shirt with black tie, trousers, uniform belt and approved footwear. Cell phones, pagers and other accessories shall not be visibly attached to Class "A" uniforms. The Class "A" uniform will be worn at ceremonial occasions, or as directed by the Chief of Police.
- (b) **Class "B"** - The Class "B" uniform includes a long or short sleeve shirt with black tie optional on the long sleeved shirt, trousers, uniform belt and approved footwear. The class "B" uniform will be the normal duty uniform.
- (c) **Class "C"** - The Class "C" uniform may be worn to allow volunteer personnel cooler clothing during the summer months or special duty assignments. The volunteer coordinator or Watch Commander may approve the Class "C" uniform for volunteers.

##### 1044.8.1 VOLUNTEER SHIRT SPECIFICS:

- (a) Name plate (brass with black lettering) will be affixed on the uniform shirt centered directly over the right breast pocket.
- (b) Patches shall be inch below shirtsleeve head seam. Folsom Fire patch on right sleeve, Folsom Police on left sleeve.
- (c) Rockers shall be centered above each patch with the center of the rocker inch above the patch. The rocker shall have "VOLUNTEER" in yellow with the remainder of the rocker consistent with the Folsom Police patch colors.

##### 1044.8.2 VOLUNTEER CLASS "A" UNIFORM

- (a) **Shirt** - Flying Cross Brand or approved likeness, light blue, long sleeve, military style with sewn in crease, plain pocket flaps, epaulets, brass name plate (no embroidered name), 65% dacron polyester 35% cotton, Lot #35W5435
- (b) **Tie** - Same as sworn patrol
- (c) **Trousers** - Dickies brand, navy blue
- (d) **Uniform Belt** - Same as Community Service Officer
- (e) **Footwear** - Same as patrol

##### 1044.8.3 VOLUNTEER CLASS "B" UNIFORM

- (a) Refer to Administrative Directive # 22-010

##### 1044.8.4 VOLUNTEER CLASS "C" UNIFORM

- (a) Refer to Administrative Directive # 22-010

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#### 1044.8.5 VOLUNTEER ADDITIONAL APPAREL AND EQUIPMENT

- (a) Refer to Administrative Directive # 22-010

#### 1044.8.6 VOLUNTEER DEPARTMENT ISSUED UNIFORM

Volunteers with the police department will be issued one long sleeve shirt and one short sleeve shirt.

# Nepotism and Conflicting Relationships

## 1048.1 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. The policy below is to be read in conjunction with City Of Folsom Personnel Rules and Regulations.

### 1048.1.1 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 for a period greater than 6 months.

**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.

## 1048.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
  - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
  - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
  - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

#### 1048.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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#### 1048.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

## Department/Office Badges

### 1050.1 PURPOSE AND SCOPE

The Folsom Police Department badge and uniform patch as well as the likeness of these items and the name of the Folsom Police Department are property of the Department and their use shall be restricted as set forth in this policy.

### 1050.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of department 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.

#### 1050.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge. The flat badge remains the property of the Folsom Police Department and must be surrendered upon separation of service subject to the discretion of the Chief of Police.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Folsom Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 1050.2.2 CIVILIAN PERSONNEL

Badges and department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.



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#### **1050.2.3 ISSUANCE OF BADGES AND IDENTIFICATION CARDS**

The Professional Standards Unit will have responsibility for the issuance of badges and Identification Cards for all department personnel.

Department personnel who lose either a badge or Identification Card shall report the loss in writing to their immediate supervisor. The supervisor shall forward the report to the Professional Standards Unit. Generally, lost badges will be replaced at the employee's expense.

#### **1050.2.4 RETIREE BADGE**

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states the person has honorably retired from the Folsom Police Department. (This identification is separate and distinct from the identification authorized by Penal Code § 12027 and referenced in the Retired Officer CCW Endorsement Policy in this manual).

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the word "Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Folsom Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

#### **1050.3 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 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.

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### **1050.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Folsom 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.

# Temporary Modified-Duty Assignments

## 1052.1 POLICY

Subject to operational considerations, the Folsom Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

## 1052.2 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Folsom Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

## 1052.3 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Bureau Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.

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### *Temporary Modified-Duty Assignments*

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- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Bureau Commander will make a recommendation through the chain of command to Human Resources and to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department, the City of Folsom and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment for a duration of 20 hours or less may be approved and facilitated by the Watch Commander or Bureau Commander, with notice to the Chief of Police.

#### 1052.3.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

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.

#### 1052.3.2 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 their supervisor 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 status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Bureau Commander 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 Bureau Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

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- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Bureau Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

#### **1052.3.3 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.

#### **1052.4 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

#### **1052.5 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

# Employee Speech, Expression and Social Networking

## 1056.1 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.

### 1056.1.1 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.

## 1056.2 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 Folsom 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.

## 1056.3 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 Folsom Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

#### **1056.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Folsom 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 Folsom Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Folsom Police Department or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Folsom Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

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- (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 Folsom Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1056.4.1 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 Folsom Police Department or identify themselves in any way that could be reasonably perceived as representing the Folsom Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Folsom 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



## *Employee Speech, Expression and Social Networking*

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

### **1056.5 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).

### **1056.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

# Folsom Police Department

## Folsom PD Policy Manual

### *Employee Speech, Expression and Social Networking*

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#### **1056.7 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

# Anti-Retaliation

## 1057.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

## 1057.2 POLICY

The Folsom Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

## 1057.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

## *Anti-Retaliation*

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### 1057.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

### 1057.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### 1057.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

## *Anti-Retaliation*

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

### **1057.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### **1057.7 WHISTLE-BLOWING**

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

# Folsom Police Department

## Folsom PD Policy Manual

### *Anti-Retaliation*

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#### 1057.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

#### 1057.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### 1057.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

## Attachments

## **Wireless Call Handling Matrix FPPM 805.jpg**



## WIRELESS CALL HANDLING SHEET

Type of Wireless Call	Description	Hang-Up	Open Line or Distress
Uninitialized	911 Call from a phone that is not currently subscribed to wireless service. Phone number will look similar to: <b>(911) XXX-XXXX or (916) 911-XXXX</b> NO WAY TO IDENTIFY THE CALLER	No further action required	W911= No further action required. WPH2= latitude and longitude- create a call for service. (2 unit response)
Phase I (W911) DIRECTIONAL: caller is XX direction from the cell tower. The XX meters and XX percent are irrelevant.	911 call from a wireless phone – ALI information is cell tower address and the direction the call is coming from that cell tower.	Callback, leave message, CAD event created (911) with cell site address, XX directional and 'Phase I hang up' in narrative. Close CAD call. Not necessary to notify the sergeant.	Callback, leave message, CAD event created (911) with address of phone subscriber obtained from WSP; include the cell site address and XX directional. (2 unit response)
Phase II (WPH2) METERS & ACCURACY: caller is XX direction within XX meters of the displayed coordinates, XX percent of the time 1709 meters = 1 mile and 108 yds.	911 call from a wireless phone – ALI information is cell site, but caller location is within the listed meters from the cell site after the RETRANSMIT button is used. Cell sector direction is listed on the ALI screen.	Callback, leave message, CAD event created (911) with address from LAT/LON coordinates, include cell sector direction, XX meters and XX percentage and 'Phase II' in narrative (1 unit to check area, voice "Phase II wireless hang up").	Callback, leave message, CAD event created (911) with address from LAT/LON coordinates, include cell sector direction, XX meters and XX percentage. Ensure the address of phone subscriber obtained from WSP is checked during the handling of this call if within city limits of Folsom. Otherwise, notify other jurisdiction. 1-800 number listed on the ALI screen (2 unit response)
TSP	911 call from a Telematic Service Provider (i.e., OnStar) – ALI information is LAT/LON of the vehicle involved	CAD event created based on information received from caller or TSP representative if the caller disconnects	CAD event created based on information received from caller or TSP representative if the caller disconnects
Pocket/Purse Dial Calls	Accidental call to 9-1-1. Can hear talking, laughing, singing, sounds of walking, etc <b>Absolutely NO DISTRESS HEARD.</b> Dispatcher will disconnect the call and dial the number back. If no answer, leave a message. Dispatcher will cancel the call without supervisor notification if no distress was heard.		

**Silent Calls:** defined as: incoming 9-1-1 (wireless or landline) with no noise on the call or there may be music or other background noise heard, but no verbal contact with the caller.

1. May be inadvertent dialing, a hearing or speech impaired person who is unable to communicate, or the caller may be in distress and cannot communicate verbally.

## **Major Incident Notification 2-12 Matrix.jpg**

## **Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf**

## **Statutes and Legal Requirements.pdf**

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## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

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## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

## **Hate Crime Checklist.pdf**

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b>  Legal name (Last, First): _____  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>  Name: _____  Type: _____  (e.g., non-profit, private, public school)  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>  Name: _____  Faith: _____  Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b> <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense (e.g., 9/11, holy days)</p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):  _____  _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	



# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo <input type="checkbox"/> Known to victim	
<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>		<b><u>SUSPECT</u></b>	
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____		<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	
	<b><u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u></b>			
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b><u>Resources offered at scene:</u></b> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____				
<b>MEDICAL</b>	<b><u>Victim</u></b> <b><u>Suspect</u></b> <input type="checkbox"/> <input type="checkbox"/> Declined medical treatment <input type="checkbox"/> <input type="checkbox"/> Will seek own medical treatment <input type="checkbox"/> <input type="checkbox"/> Received medical treatment Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		<b><u>Paramedics at scene?</u></b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____	
	Officer (Name/Rank) _____		Date _____	
Officer (Name/Rank) _____		Date _____		
Supervisor Approving (Name/Rank) _____		Date _____		

## **Emergency Eavesdropping Order.pdf**



Eavesdropping Order No. \_\_\_\_\_

# SUPERIOR COURT OF CALIFORNIA

## County of Sacramento

### COURT ORDER AUTHORIZING EAVESDROPPING (PENAL CODE SEC. 633.8)

**Name of the District Attorney**, the District Attorney for the County of Sacramento, State of California (or the person designated to act as district attorney in the District Attorney's absence), has made application to this court pursuant to Penal Code Section 633.8 requesting authorization to eavesdrop upon certain confidential oral communications in a barricade or hostage situation at the location described below (hereinafter the Target Location). The application was accompanied by the affidavit of **Affiant's Title First and Last Name, Badge No. 123** (for example Detective Joe Smith, Badge No. 123) and the review of **Chief Executive Officer [or CEO Designee] of Your Agency (for example, Chief Jane Smith / Assistant Chief John Smith) of the [Insert Name of Your Law Enforcement Agency Here]**. This court has read and considered each of those documents, referred to hereinafter as the "Application."

Upon review of the application and declaration of **Title First and Last Name, Badge No. 123** of the **Law Enforcement Agency**, **THIS COURT FINDS:**

- (1) There is probable cause to believe that there is/was an emergency situation involving a barricade or hostage, within the meaning of Penal Code Section 633.8, subdivisions (g) and (h), and that there is/was an immediate danger of death or serious physical injury to persons within the meaning of Title 18, United States Code, Section 2518, subdivision (7)(a)(i).
- (2) There is probable cause to believe that an individual or individuals involved in the hostage or barricading situation have committed, are committing, or are/were about to commit an offense listed in Title 18, United States Code, Section 2516, subdivision (2), namely **[Insert Name of Offense and Code Section, for example "Murder, in violation of Penal Code Section 187."]**
- (3) That **Affiant's Title First and Last Name, Badge No. 123**, who has been previously designated by the District Attorney of Sacramento County, reasonably determined that the emergency situation required the immediate use of an eavesdropping device, initiated eavesdropping upon the emergency situation at **[TIME: time starting using eavesdropping device]**.
- (4) That the emergency situation ended at **[TIME]** and eavesdropping ceased at **[TIME], [TIME: time eavesdropping device use ended]**.

- (5) That conversations overheard via the eavesdropping device were recorded in a manner to protect the recording from editing or other alterations, in conformity with Penal Code Section 633.8.
- (6) That the installation and/or use of the eavesdropping device was necessary in the emergency situation to prevent death or serious bodily injury.

**THIS COURT HEREBY ORDERS:**

- (1) The covert entry for the installation and/or use of the eavesdropping device at the Target Location during the aforementioned emergency situation is hereby authorized. The Target Location is described as follows:
  - (a) **123 Main Street, Apartment 45, Sacramento, California, 95814.** 123 Main Street, Apartment 45, is located in the County of Sacramento, State of California, and is further described as an apartment located with an apartment complex called the Drug Dealer Manor Apartments. The complex is made up of five buildings, white in color, with black trim. Each apartment building is made up of 10 apartment units. Apartment 45 is located in Building 4, on the first floor, being the unit on the far western side of Building 4. Apartment 45 has a red door and the numbers '45' affixed to the wall to the immediate left of the door. Apartment 45 has one window facing toward the front, to the immediate left of the door.
- (2) The [Law Enforcement Agency] is the agency authorized to make covert entry for the installation and/or use of the eavesdropping device during the aforementioned emergency situation.
- (3) The [Law Enforcement Agency] is hereby ordered to seal the recording within seven (7) business days from the termination of the eavesdropping and to maintain the recording in a sealed condition pending further order of this Court, or other Court of competent jurisdiction for a period of ten (10) years from the date of this order.
- (4) The agency executing this order shall maintain records so that an inventory pursuant to Penal Code Section 629.68 can be prepared. Such an inventory shall be sent to all known parties to the overheard conversations.
- (5) The agency executing this order shall maintain a list of all known parties described in the previous paragraph who are identified during the use of the eavesdropping device and provide the District Attorney (or the person designated to act as district attorney in the District Attorney's absence) with said list upon the termination of the utilization of the eavesdropping device.

- (6) The District Attorney of Sacramento County (or the person designated to act as district attorney in the District Attorney's absence) is hereby ordered to serve an inventory, as required by Penal Code Section 629.68, upon all known parties to overheard conversations.
- (7) The application and this order shall be sealed and kept in the custody of the [Law Enforcement Agency] and/or the Sacramento County District Attorney's Office pursuant to Penal Code Section 629.66.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court of California



# SUPERIOR COURT OF CALIFORNIA

## County of Sacramento

### AFFIDAVIT IN SUPPORT OF APPLICATION FOR AN ORDER AUTHORIZING EAVESDROPPING (PENAL CODE SEC. 633.8)

I, **Title First and Last Name, Badge No. 123**, your affiant, am a sworn peace officer employed by the **Law Enforcement Agency**, and am seeking an order authorizing and approving eavesdropping upon certain confidential oral communications in a barricade or hostage situation at the location described below (hereinafter the Target Location), pursuant to California Penal Code Section 633.8.

I declare that the following facts are true and correct to the best of my information and belief:

#### AFFIANT'S BACKGROUND AND TRAINING

I am employed as a **Title/Rank** for the **Law Enforcement Agency** and am currently assigned to **[current assignment/unit]**. I am designated by the District Attorney of Sacramento County to make a decision to deploy eavesdropping devices, as described in Penal Code Section 633.8, subdivision (c).

#### INSERT YOUR TRAINING AND EXPERIENCE HERE

Since **[year your career began]**, I have been involved in **[NUMBER]** emergency situations involving hostage and barricade situations, involving or resulting in either murder, kidnapping, human trafficking, child sexual exploitation, child pornography production, prostitution, gambling, robbery, bribery, extortion, and/or dealing in narcotic drugs, marijuana or other dangerous drugs, or other crime dangerous to life, limb, or property, and punishable by imprisonment for more than one year.

Based upon my training and experience, I am aware that in emergency situations involving a barricaded suspect or hostages, that the oral communications captured through utilizing an eavesdropping device are expected to reveal the following information:

- (a) Safe points of entry into the location;
- (b) Number of suspects in the location;
- (c) Existence of hostage(s) inside the location;
- (d) Condition of people inside location;
- (e) Suspect's possession of weapons;
- (f) Suspect's agitation level; and/or
- (g) Location of people inside.

Based upon the details set forth below, I assert that there is probable cause to believe that there is/was an emergency situation involving a barricade or hostage, within the meaning of Penal Code Section 633.8, subdivisions (g) and (h). I believe that there is/was immediate danger of death or serious physical injury to persons within the meaning of Title 18, United States Code, Section 2518, subdivision (7)(a)(i) and that there are grounds upon which an order may be obtained pursuant to Title 18, United States Code Section 2516, subdivision (2). Furthermore, I believe that the emergency situation required that the eavesdropping on oral communication occur immediately.

I make this affidavit, based upon personal knowledge derived from my participation in this emergency situation and, upon information that I believe to be reliable from the following sources:

- (a) Other law enforcement officers on the scene;
- (b) Physical surveillance of the location;
- (c) Speaking to other witnesses, including family members.

#### **FACTS ESTABLISHING PROBABLE CAUSE**

This affidavit is being submitted for the limited purpose of obtaining authorization for the eavesdropping upon oral communications on [DATE AND TIME: start using device], at the [residence/business] located at **123 Main Street, Sacramento, California, 95814** (hereinafter referred to as the **Target Location**). This incident involves a barricade and/or hostage situation, specifically, a [short description, for example "a male subject armed with a firearm holding a hostage."]

On [DATE], I was assigned to respond to a barricade and/or hostage situation at the above-listed target location. Upon my arrival, I met with law enforcement officers present at the scene. [Title First Name Last Name, Badge No. 456], a law enforcement officer with [Law Enforcement Agency], relayed the following information to me:

***Incident Facts:*** INSERT DESCRIPTION OF FACTS THAT LED UP TO EMERGENCY SITUATION

[If the barricade/hostage situation arose during the service of a search warrant, attach the search warrant and affidavit, without the *Hobbs* section if there is one, and specifically incorporate it into this affidavit, using the following or similar language:]

"On January 1, 2021, the Honorable [Judge's First and Last Name], Judge of the Superior Court, signed a search warrant for the above-listed target location. Your affiant specifically has attached and is incorporating that search warrant into this affidavit as **Attachment A.**"

INSERT STATEMENT OF FACTS DESCRIBING THE EMERGENCY SITUATION AND DESCRIBE THE FELONY CRIME(S) THAT CREATE AN IMMINENT DANGER TO LIFE, LIMB, AND/OR PROPERTY

"On January 2, 2021, when officers attempted to serve the above-described search warrant, after knocking and identifying themselves as police officers, the suspect, **FIRSTNAME LASTNAME**, refused to answer the door, yelling "I'm not coming out and I'll shoot anyone who comes through these doors." Officers on scene backed away from the residence at **123 Main Street**, established a perimeter, and requested special weapons and tactics (SWAT) officers come to the scene to assist. Officers on scene repeatedly asked the suspect to exit the target location and to release the hostage, but **LASTNAME** repeatedly refused to comply. **LASTNAME** is believed to be armed with a [knife/gun/other deadly or dangerous weapon] based on INSERT FACTS SUPPORTING THE CONCLUSION THE SUSPECT IS ARMED."

Existing Warrant(s): IF THE EMERGENCY SITUATION BEGAN WITH THE ATTEMPTED SERVICE OF AN ARREST WARRANT, THEN DESCRIBE THE ATTEMPTED SERVICE AND IDENTIFY THE WARRANTS BEING SERVED, FOR EXAMPLE:

"On January 1, 2021, the Honorable [Judge's First and Last Name], Judge of the Superior Court, issued an arrest warrant for **FIRSTNAME LASTNAME** for felony violations of Penal Code Sections 211 (robbery) and 245(a)(2) (assault with a firearm) (Warrant No. SA123456789). On January 2, 2021, officers with the Sacramento Police Department attempted to serve the arrest warrant on **LASTNAME**. DESCRIBE WHAT HAPPENED THAT LED UP TO THE HOSTAGE/BARRICADE SITUATION."

Target Location: The target location of this barricade/hostage situation is **123 Main Street, Apartment 45, Sacramento, California, 95814**, hereinafter referred to as the **Target Location**, and which is located in the County of Sacramento, State of California, and is further described as [INSERT PREMISE DESCRIPTION, FOR EXAMPLE: an apartment located with an apartment complex called the Drug Dealer Manor Apartments. The complex is made up of five buildings, white in color, with black trim. Each apartment building is made up of 10 apartment units. Apartment 45 is located in Building 4, on the first floor, being the unit on the far western side of Building 4. Apartment 45 has a red door and the numbers '45' affixed to the wall to the immediate left of the door. Apartment 45 has one window facing toward the front, to the immediate left of the door].

INSERT ALL FACTS, IF ANY, THAT DESCRIBE DANGERS TO OFFICERS, NEIGHBORS, AND FACTS SHOWING DIFFICULTY IN GAINING ENTRY INTO THE TARGET LOCATION.

Other Relevant Information: INSERT ANY OTHER RELEVANT FACTS, SUCH AS DESCRIBING THE URGENCY FOR THE NEED OF THE EAVESDROPPING DEVICE – FOR EXAMPLE, IS THERE AN UNACCOUNTED VICTIM? DOES THE SUSPECT HAVE A HISTORY OF VIOLENCE OR WEAPONS USE? PROVIDE ANY OTHER FACTS THAT HELP JUSTIFY THE USE OF THE EAVESDROPPING DEVICE, BE AS SPECIFIC AS POSSIBLE.

Additional Witness Statements: INSERT ANY OTHER RELEVANT WITNESS STATEMENTS NOT ALREADY DESCRIBED – FOR EXAMPLE, DID A NEIGHBOR HEAR THREATS ON PRIOR OCCASIONS OR OBSERVE PRIOR INCIDENTS OF VIOLENCE BY THE SUSPECT?



[IF YOU NEED TO ADD A **HOBBS** SECTION, THEN USE THE FOLLOWING LANGUAGE AT THIS POINT IN THE AFFIDAVIT:]

Further information regarding probable cause is in the confidential attachment. Your affiant has prepared a *Hobbs* Attachment titled “**Confidential Attachment**” that is attached to this Affidavit and that is fully incorporated into and made part of this Affidavit and Application for Eavesdropping (Penal Code Section 633.8). Your affiant requests that this *Hobbs* Attachment be ordered sealed by the magistrate reviewing this Affidavit and Application for Eavesdropping pursuant to *People v. Hobbs* (1994) 7 Cal.4th 948 and Evidence Code Sections 1040-1042. If the information contained in the *Hobbs* Attachment is revealed, it would endanger the life of a confidential informant (CI) and/or reveal law enforcement investigative techniques not known to the public, which could destroy the CI’s future usefulness to law enforcement in detecting illegal activity, and/or destroy the future usefulness of confidential law enforcement investigative techniques. If the *Hobbs* request that appears on in this Affidavit and Application is approved, the *Hobbs* Attachment will be sealed and maintained in a manner that complies with any rules or procedures promulgated by the Sacramento County Superior Court pending further order of this court or any competent court.

I request that the “**Confidential Attachment**” (pages XX-YY) to this affidavit be ordered sealed by the magistrate in order to implement the privileges under Evidence Code Sections 1040-1042 and to protect the identity of any confidential information, pursuant to the Supreme Court’s decision in *People v. Janet Marie Hobbs* (1994) 7 Cal.4th 948.

[IF YOU ARE **NOT** USING A **HOBBS** SECTION, THEN DELETE THE ABOVE PARAGRAPH AND THE FOLLOWING PAGE WITH THE **HOBBS** ORDER AND CONFIDENTIAL ATTACHMENT]

[IF USING A HOBBS SECTION, USE THIS REQUEST AND ORDER HERE:]

## REQUEST FOR AN ORDER SEALING THE AFFIDAVIT OR A PORTION OF THE AFFIDAVIT

AFFIANT REQUESTS that the following portion of the affidavit and application for eavesdropping be ordered sealed by the magistrate in order to implement the privilege under Evidence Code Sections 1040 to 1042 and to protect the identity of any confidential informant(s) and/or official information, pursuant to the Supreme Court decision in *People v. Janet Marie Hobbs* (1994) 7 Cal. 4th 948

If any of the information within the requested sealed portion of the affidavit is made public, it will reveal, or tend to reveal, the identity of any confidential informant(s), impair further related investigations and endanger the life of the confidential informant(s).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

## COURT ORDER

Based upon a review of the affidavit and application for eavesdropping, this court finds that there exists an overriding interest that overcomes the right of public access to the record; this overriding interest supports sealing the records; a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; the proposed sealing is narrowly tailored; and no less restrictive means exist to achieve the overriding interest.

Therefore, it is ordered that the following portion of the affidavit identified as the "**Confidential Attachment**" be **SEALED** and maintained as directed by the court and not be made part of the public record until further order of this court or any competent court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court of California

**[IF USING A *HOBBS* SECTION, ADD THE CONFIDENTIAL SECTION HERE:]**

**CONFIDENTIAL ATTACHMENT**

**[INSERT YOUR SUPER SECRET INFORMATION HERE, INCLUDING HOW THE INFORMANT IS RELIABLE AND/OR IF THE INFORMANT IS NOT CONSIDERED RELIABLE, HOW YOU CONCLUDED THAT THE INFORMATION WAS RELIABLE AND/OR WAS CORROBORATED]**

**END OF CONFIDENTIAL ATTACHMENT**

Based upon the aforementioned facts and circumstances, [including the facts and circumstances listed in the attached **Confidential Attachment**,] I formed the opinion that there is/was probable cause to believe that **FIRSTNAME LASTNAME** was committing, had committed, or was about to commit an offense listed in Title 18, United States Code, Section 2516, subdivision (2), namely [Insert Name of Offense and Code Section, for example "Murder, in violation of Penal Code Section 187."]

### Incident Information

The above-described barricade/hostage situation began at [TIME].

The eavesdropping began at [TIME].

[Title/Rank Name of Designee Deciding to Deploy Eavesdropping], who is/was designated by the District Attorney of Sacramento County (or the person designated to act as district attorney in the District Attorney's absence) pursuant to Penal Code Section 633.8, subdivision (c), made the decision to deploy the eavesdropping device.

### **FACTS DEMONSTRATING NECESSITY**

Based upon my training and experience, discussions with other law enforcement officers and witnesses, the facts stated above in this affidavit, the risk and officer safety concerns posed by this location and the suspect's actions, [USE FOLLOWING IF RELEVANT: the presence of hostages or other trapped persons, the physical condition of those inside or the need of immediate medical intervention, and/or the physical location within the target location of those inside,] it is/was my opinion that it is/was necessary to utilize the eavesdropping device to resolve this unfolding emergency situation.

[INSERT FACTS THAT DEMONSTRATE NECESSITY, SUCH AS RISKS TO OFFICERS/HOSTAGE(S)/BYSTANDER(S)/SUSPECT SAFETY, SAFETY CONCERNS POSED BY THE LOCATION, AND/OR THE SUSPECT'S ACTIONS THAT MAKE IMMEDIATE ACTION NECESSARY]

Request to Exit/Surrender: INSERT FACTS INDICATING LAW ENFORCEMENT PRESENCE, THE NUMBER OF TIMES REQUESTS TO SURRENDER WERE MADE, THE NUMBER OF TIMES ATTEMPTS TO NEGOTIATE WERE MADE WITH NEGATIVE RESULTS, FOR EXAMPLE:

"Responding officers were wearing distinctive police uniforms, displaying their police badges and identification, and announced their presence over a public announcement system. Officers attempted to contact **LASTNAME** [NUMBER] times, all with negative results. **LASTNAME** yelled out the window that he was refusing to come out of the target location and threatened to shoot anyone who approached the residence."

Physical Surveillance: As described above, the target location of this barricade/hostage situation is **123 Main Street, Apartment 45, Sacramento, California, 95814**, hereinafter referred to as the **Target Location**, and which is located in the County of Sacramento, State of California, and is further described as [INSERT PREMISE DESCRIPTION, FOR

EXAMPLE: an apartment located with an apartment complex called the Drug Dealer Manor Apartments. The complex is made up of five buildings, white in color, with black trim. Each apartment building is made up of 10 apartment units. Apartment 45 is located in Building 4, on the first floor, being the unit on the far western side of Building 4. Apartment 45 has a red door and the numbers '45' affixed to the wall to the immediate left of the door. Apartment 45 has one window facing toward the front, to the immediate left of the door].

[INSERT FACTS DESCRIBING THE ABILITY OR INABILITY TO SEE INSIDE THE TARGET LOCATION, AND EFFORTS MADE TO CONDUCT PHYSICAL SURVEILLANCE, FOR EXAMPLE:

"Apartment 45 has only one visible window on the front of the structure. It appears that Apartment 45 has a small bathroom window and a standard-sized window on the rear of the structure, likely belonging to a bedroom. However, officers observed that **LASTNAME** appears to be barricaded and holding the hostage in the front of the residence, where the only window has been covered by what appears to be cardboard. As a result, officers are unable to see into the structure and cannot make any observations as to the physical safety of the hostage or suspect. Visibility into the target location is extremely limited, compromising officer, suspect, and hostage safety in the event of an emergency entry by responding officers. It is your affiant's opinion that the eavesdropping device will allow officers to conduct surveillance to obtain information critical to the safe resolution of this crisis.

Officers on scene observed that the apartment complex only has surveillance cameras facing the complex's parking lot and front entry gate. None of the cameras on scene have vantage points that permit officers to make any observations of the barricaded suspect and/or hostage."]

[IF APPLICABLE:]

Warrant Execution: The current crisis is/was an on-going tactical emergency incident which began as a result of an attempt to serve the above-described [search/arrest] warrant. While additional warrants [may be/might have been] sought, obtaining and serving additional warrants at [this/that] time [will not/would not have] provide[d] law enforcement officers with the necessary information or otherwise reduce the danger associated with resolving this crisis.

[IF THIS WAS NOT THE PRODUCT OF A WARRANT SERVICE, DELETE THE ABOVE]

Physical Entry: INSERT FACTS EXPLAINING WHY FORCING ENTRY INTO THE TARGET LOCATION AT THIS TIME MAY EXACERBATE THE EMERGENCY, AGITATE OR EXCITE THE SUSPECT, AND/OR HAVE A NEGATIVE IMPACT ON LAW ENFORCEMENT'S ABILITY TO NEGOTIATE OR SAFELY BRING THE CRISIS TO A SAFE RESOLUTION

Identification of Occupants: INSERT FACTS EXPLAINING HOW ATTEMPTS HAVE BEEN MADE TO IDENTIFY AND ACCOUNT FOR ALL PERSONS ASSOCIATED WITH THE TARGET LOCATION. LIST ALL IDENTIFIED OCCUPANTS INSIDE THE TARGET LOCATION AND LIST AN UNACCOUNTED-FOR OCCUPANTS.

Information Regarding Weapons: IF RELEVANT, INSERT FACTS DESCRIBING WEAPONS KNOWN TO BE IN POSSESSIO OF THE SUSPECT OR INSIDE THE TARGET LOCATION, SUCH AS RECORDS CHECKS CONFIRMING FIREARMS REGISTERED TO THE SUSPECT/TARGET LOCATION, OR WITNESS STATEMENTS INDICATING THEY OBSERVED THE SUSPECT WITH A FIREARM

Other Factors: IF RELEVANT, INSERT ANY OTHER FACTORS THAT SUPPORT NECESSITY

Based upon the above-described facts and circumstances, there were sufficient factors making immediate action necessary.

### **DURATION OF EAVESDROPPING**

The facts set forth in this affidavit establish that the eavesdropping device was deployed during this emergency situation and *its use* began at [DATE AND TIME]. This affidavit is in support of an application to eavesdrop upon oral communication for the period that the emergency situation lasts.

Facts Known After Eavesdropping Device Deployed: INSERT ANY RELEVANT FACTS LEARNED OR DISCOVERED AFTER THE EAVESDROPPING DEVICE HAS BEEN DEPLOYED AND/OR EMERGENCY SITUATION HAS RESOLVED

[While the probable cause determination is made *at the time the device is deployed and you begin its use*, we need to disclose any facts we learn after the fact, including that the facts turned out to be different than initially believed at the time the device was deployed, or the initially qualifying crime was not actually committed; for example, "At the time officers decided to deploy the eavesdropping device, we had probable cause to believe that **LASTNAME** was holding a hostage in the residence; however, upon deploying the eavesdropping device, officers observed that **LASTNAME** was alone in the residence and only feigning holding a hostage."]

### **CONCLUSION**

Based on my training and experience, as well as the training and experience of other experienced law enforcement officers with whom I have spoken, as well as the facts and circumstances, as set forth in this affidavit, it is your affiant's opinion that the only viable means by which to achieve the aforementioned objectives in order to ensure the best possible outcome is through eavesdropping upon the oral communications of **LASTNAME** at the aforementioned location during the above-described emergency situation.

I, **Title/Rank First and Last Name, Badge No. 123** declare under the penalty of perjury under the laws of the State of California that the above statements are true and correct to the best of my knowledge, and that this affidavit was executed in the County of Sacramento, State of California.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant



# SUPERIOR COURT OF CALIFORNIA

## County of Sacramento

### REVIEW OF THE CHIEF EXECUTIVE OFFICER IN SUPPORT OF APPLICATION FOR AN ORDER AUTHORIZING EAVESDROPPING (PENAL CODE SEC. 633.8)

I, [Title/Rank First and Last Name[, Badge No. 1, if applicable]], states:

- (1) I am the [Title] for the [Law Enforcement Agency].
- (2) I am the chief executive officer, or the designee of the chief executive officer, within the meaning of Penal Code Section 629.50, subdivision (a)(3).
- (3) [Affiant's Title/Rank First and Last Name, Badge No. 123] is a [Rank/Title] with the [Law Enforcement Agency] and is currently assigned to [Affiant's Current Assignment].
- (4) I have reviewed the attached application, including the Affidavit of [Affiant's Title/Rank First and Last Name], which requests authority to eavesdrop upon certain conversations in the County of Sacramento.
- (5) Having reviewed the application and affidavit, I hereby **APPROVE** the application.

Dated: \_\_\_\_\_

\_\_\_\_\_  
[CEO's First and Last Name]  
[Title/Rank]  
[Law Enforcement Agency]





# SUPERIOR COURT OF CALIFORNIA

## County of Sacramento

### APPLICATION OF THE DISTRICT ATTORNEY FOR AN ORDER AUTHORIZING EAVESDROPPING (PENAL CODE SEC. 633.8)

I, **Name of the District Attorney**, the District Attorney for the County of Sacramento, State of California, declare:

**Or**

I, **[select appropriate title: Chief Deputy District Attorney / Assistant District Attorney / Assistant Chief Deputy District Attorney / Supervising Deputy District Attorney / Deputy District Attorney First Name Last Name]**, the person designated to act as district attorney in the District Attorney's absence, declare:

- (1) I am the District Attorney for the County of Sacramento (or I am the person designated to act as the district attorney in the District Attorney's absence).
- (2) After reviewing the Affidavit in Support of Application for an Order Authorizing Eavesdropping by **[Affiant's Title/Rank First and Last Name, Badge No. 123]** of the **[Law Enforcement Agency]**, and relying thereon, I approve making this application and hereby apply to the Superior Court of California in and for the County of Sacramento for authorization to eavesdrop upon oral communications during a barricade and/or hostage situation, as defined in Penal Code Section 633.8, subdivisions (g) and (h), at the location described in the application.
- (3) **[Affiant's Title/Rank First and Last Name]** is the law enforcement officer seeking authorization to eavesdrop upon oral communications pursuant to Penal Code Section 633.8, and **[Affiant's Title/Rank First and Last Name]** has been designated by **[me/the District Attorney of Sacramento County]** to make a decision to deploy eavesdropping devices, as described in Penal Code Section 633.8, subdivision (c).
- (4) The **[Law Enforcement Agency]** is the agency that executed this order pursuant to Penal Code Section 633.8. **[Affiant's Title/Rank First and Last Name]** of the **[Law Enforcement Agency]** wrote the attached Affidavit and the chief executive officer (or his/her designee), **[CEO's/Designee's Title/Rank First and Last Name]**, of the **[Law Enforcement Agency]** approves this application, as indicated in the attached Review of the Chief Executive Officer.

(5) Based upon my review of the Affidavit, I have formed the opinion that there is/was probable cause to conclude that:

(a) An emergency situation involving a barricade and/or a hostage situation, as defined in Penal Code Section 633.8, subdivisions (g) and (h), exists or did exist at [123 Main Street, Apartment 45, Sacramento, California, 95814] (hereinafter referred to as the "Target Location") which is within the County of Sacramento, State of California;

(b) There is/was an immediate danger of death or serious injury within the meaning of Title 18, United States Code, Section 2518, subdivision (7)(a)(i);

(c) That there is/was an immediate need for eavesdropping; and

(d) That an individual is committing, has committed, or is about to commit an offense listed in Title 18, United States Code, Section 2516, subdivision (2), namely [Insert Name of Offense and Code Section, for example "Murder, in violation of Penal Code Section 187."]

(6) I have been informed and believe that eavesdropping in this emergency situation is/was necessary to prevent death or serious injury as explained in the attached Affidavit of [Affiant's Title/Rank First and Last Name].

(7) By this application, and the attached affidavit, which is hereby incorporated in its entirety, acting in my capacity as the District Attorney for Sacramento County (or as the person designated to act as the district attorney in the District Attorney's absence), I am seeking authorization for the covert entry for the installation and/or use of the amplifying or recording device to eavesdrop on and to record communications at the above-described Target Location, pursuant to Penal Code Section 633.8, subdivision (i).

I request that this Application, Review, Affidavit, and Order be sealed and kept in the custody of the law enforcement agency executing this Court's order or in the custody of the District Attorney's Office and to be disclosed only upon a showing of good cause before a judge of competent jurisdiction in accordance with Penal Code Section 629.66.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except as to those matters declared on information and belief, which matters I believe to be true, and that this Application was executed in the County of Sacramento, State of California.

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Name of the District Attorney]

District Attorney of Sacramento County

*Or*

[Designee's First and Last Name]

[*select appropriate title:* Chief Deputy District  
Attorney / Assistant District Attorney / Assistant  
Chief Deputy District Attorney / Supervising Deputy  
District Attorney / Deputy District Attorney]

Sacramento County District Attorney's Office

## **Major Incident Notification 100119.pdf**

# MAJOR INCIDENT NOTIFICATION

**X=First Call**

R=Response

T=Text

C=Call

E=Email

Officer Involved Shooting	X	R/C	R/C	R/C	R/C	C	T	R/C				R/C	R/C	R/C	R/C	R/C	C	C	T
SWAT	X	C	R/C				T	R/C		R/C	C		R/C						
CINT		C	C				T			R/C		C							
Fatal Traffic Accident or MART	X	T	C				T		R/C			C						C	
245 Hit Shooting or Homicide	X	C	C	C	C		T	R/C				C	C						
Detective Callout				C	C			C											
Hate Crime							T												
Death/serious injury to FPD Personnel (on duty)	X	R/C	R/C	R/C	R/C	C	T					C		R/C	R/C	C	C	T	
Death/serious injury to FPD Personnel/family member (off duty)	X	C	C	C			T							C	C	C			
Serious injury to City Employee (on duty)	X	C	C	C			T					C		C			C	T	
Serious injury to City Employee (off duty)	X	C	C	C			T											E	
Incidents involving Council Member or their family	X	C																E	
Serious injury to Public caused by FPD or Folsom City Employee	X	T	C		C		T					T		C			C	E	
In Custody Death	X	C	C	C	R/C		T	R/C				R/C			C		R/C	T	
Arrest of outside LE personnel	X	C	C				T					T							
Arrest of City Employee	X	C	C				T											T	
Pending arrest or solid implication of serious criminal conduct by FPD Emp.	X	C	C	C	C							C	R/C						
Significant at risk MP	X		C		C		T	C				C							
Child Abduction	X	C	C	C	R/C		T	R/C				C							
Event that requires heavy commitment of PD resources	X	T	C				T												
EOC Activation	X	C	C	C		R/C	T					R/C							
Incidents likely to attract media		T					T					C							
Terrorist incident	X	C	R/C				T		R/C	R/C		R/C							
Explosive device	X						T												
Major communications failure	C	T	C	C	C	X	T												
Significant criminal activity							T												
Any on-duty traffic collision by FPD or any Folsom City employee							T		C								C	E	
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Unattended death		E	E																

# Folsom PD Policy Manual

Folsom PD Policy Manual

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# Folsom Police Department

## Folsom PD Policy Manual

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