

# LASPD

## Los Angeles School Police Department-POLICY MANUAL

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### **CHIEF'S PREFACE**

Drafts of the Los Angeles School Police Department (LASPD) Policy Manual have been shared with the Los Angeles School Police Association (LASPA) and the Los Angeles School Police Management Association (LASPMA). The LASPD thanks them for their review and comments. Those comments and other ongoing communications between the LASPD and the associations have been constructive, and have positively influenced the content of the Policy Manual.

The LASPD regards the Policy Manual as a living document that will be in continual development, review and improvement. Therefore, the LASPD will continue to welcome ongoing review, comments, and recommendations from the Associations and all other interested parties. To the extent that the Policy Manual touches upon subject matters that fall within the scope of required collective bargaining, such changes to those policies will be addressed utilizing the meet and confer process prior to modification.

The Los Angeles School Police Department (LASPD) Policy Manual identifies the LASPD Core Values and the Law Enforcement Code of Ethics which serve as the guiding principles and values that are integral to maintain the safety of our employees while providing law enforcement services to the students, staff, and parents of the Los Angeles Unified School District (LAUSD). This Policy Manual represents the LASPD's commitment to service, integrity, professionalism, and accountability in providing a unique and highly specialized brand of school campus policing which, at its core, is designed to "provide a safe and tranquil environment so the educational process can take place." Policy is not merely a statement of what is required in a given situation, it is a statement of guiding principles to be followed to obtain the LASPD's primary mission and focus in providing a safe campus environment for all.

This Policy Manual identifies and establishes the operational orders and standards to provide guidance and direction to every member of the LASPD in discharging their duties and responsibilities. Further, this Policy Manual is updated annually to incorporate the most contemporary Federal and State laws as well as law enforcement best practices tailored to a K-12 school policing environment. ALL employees are required to review this Policy Manual to ensure they are familiar with the most current policies in a unique and dynamic environment. If further clarification of the policies in this manual is necessary, employees are encouraged to discuss this with their supervisor.

This Policy Manual shall remain in effect as issued and, in the event of a conflict with previously written directives, training bulletins, or standard operating procedures (SOP), the policies contained herein shall assume precedence. Recognition of errors or deficiencies in the intent or text of these policies shall be reported to the Office of the Chief of Police via the chain of command for appropriate disposition.

**Steven Zipperman, Chief of Police**

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### **LOS ANGELES SCHOOL POLICE DEPARTMENT VISION STATEMENT/MISSION STATEMENT/LEADERSHIP PHILOSOPHY/CORE VALUES**

#### **Vision Statement:**

The vision of the Los Angeles School Police Department is a safe and tranquil school environment, free from the fear of crime.

#### **Mission Statement:**

The mission of the Los Angeles School Police Department is to assist students, teachers, administrators and other staff in providing a safe and tranquil environment in which the educational process can take place.

#### **Motto:**

Protecting the children, our future.

#### **Leadership Philosophy:**

As a leader, I commit myself to act with honor and integrity, lead by example, exercise wisdom and common sense, stand with the moral courage to make tough decisions, right wrongs for the greater good, and treat people with respect.

I will also build trust and foster positive relationships, develop and mentor personnel, promote teamwork and customer service, be fair, ethical, and impartial in all I do to empower the men and women of the LASPD to protect the people we serve.

#### **Core Values:**

**INTEGRITY:** Integrity is our standard, the guiding principle by which we interact with those we serve at all times. We will perform our duties with honest and ethical behavior in word and deed in our interaction with others.

**LEADERSHIP:** Providing leadership by example through professionalism and good moral character. Creating an atmosphere of trust and inspiring others to reach a common vision.

**SERVICE EXCELLENCE:** The basic principle of our organization is to provide superior service to those we serve, with the ultimate goal being customer satisfaction.

**RESPECT FOR PEOPLE:** We believe in treating everyone with respect and dignity. We will show empathy and concern for those with whom we come in contact, acknowledging our differences and not allowing it to affect our professional judgment.

**COURAGE:** We experience events on a daily basis that can be physically threatening, intellectually challenging, or morally difficult. We will act with courage and strength of character in every aspect of our professional duties and be an example to others by taking action to do the right thing.

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

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the LASPD to perform their functions based on established legal authority.

### 100.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.32 et seq.).

Authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Penal Code Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code.

#### 100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE LASPD

The arrest authority outside the jurisdiction of the LASPD includes (Penal Code § 830.1; Penal Code § 836):

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

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

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

#### 100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE LASPD

The arrest authority within the jurisdiction of the LASPD includes (Penal Code § 830.1; Penal Code § 836):

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

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

#### 100.2.3 TIME OF MISDEMEANOR ARRESTS

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

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

#### **100.3 POLICY**

It is the policy of the LASPD to limit its members to only exercise the authority granted to them by law.

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

#### **100.4 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

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

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

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##### **100.5 CONSTITUTIONAL REQUIREMENTS**

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

##### **100.6 DUTIES OF A POLICE OFFICER**

Police Officers of the Los Angeles School Police Department are to:

- A. Protect life.
- B. Protect property.
- C. Preserve the public peace.
- D. Protect individuals' rights.
- E. Prevent crime.
- F. Detect and arrest violators of the law.
- G. Enforce federal, state, local and all other related laws as required to maintain the efficient operation of the education process.
- H. Carry out specific duties and assigned responsibilities.
- I. Carry out any duty required by lawful order.
- J. Within a reasonable time, report and/or take appropriate action in District related situations where there is a duty to act.
- K. Maintain a close working relationship with administrators, teachers, staff and other law enforcement agencies.

The "primary duty" of a Los Angeles School Police Department Officer relates to offenses at or near District facilities committed against District students, staff or property. Any responsibility to intervene/arrest outside of the "primary duty" area would require an "immediate danger to person or property". The duty to intervene depends on the nature of the offense observed. A Los Angeles School Police Department Officer does not incur personal liability for failure to intervene, when District policies limit or prescribe involvement.

## Chief Of Police

### 101.1 PURPOSE AND SCOPE

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

#### 101.1.1 CHIEF OF POLICE REQUIREMENTS

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

### 101.2 DUTIES OF THE CHIEF OF POLICE

The duties of the Chief of Police are prescribed by the Superintendent.

### 101.3 OFFICE OF THE CHIEF OF POLICE - RESPONSIBILITY OF ASSIGNED POSITIONS

The positions established and assigned to the Office of the Chief of Police have administrative responsibilities.

#### 101.3.1 OFFICE OF THE CHIEF OF POLICE - FUNCTIONS

The Office of the Chief of Police has the responsibility of appointing members who are deemed to be qualified for employment and may reject any application for membership. The Chief of Police shall provide for the training of candidates for membership and for the further training of members in all fields of police activity. The Chief of Police may also establish rules and regulations to govern the Department including establishing the specific duties of its members and providing for the maintenance of discipline. As deemed necessary, the Chief of Police may form subdivisions within the Department, for its efficient administration.

The Chief of Police must officially sanction and approve any changes becoming effective. The detailed methods of directing and controlling specified functions of a Department unit may be developed by subordinate executive officers, but the original direction or final approval and adoption of the guiding principles rests with the Chief of Police.

In the capacity as chief executive and administrative head of the Department, the Chief of Police maintains administrative control and governs Departmental activity through Deputy Chiefs as the Chief of Police may designate as needed.

#### 101.3.2 OFFICE OF THE CHIEF OF POLICE - SPECIAL DUTIES

The Office of the Chief of Police has responsibility for the performance of the following duties:

A. Reception and Interviewing.

Conduct preliminary interviews with the general public or Department employees desiring consultation with the Chief of Police.

B. Department Orders.

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Issue special or general orders or other directives to the Department.

C. Acceptance and Routing of Correspondence.

Accept and route incoming noncriminal correspondence addressed to the Chief of Police.

D. Special File.

Maintain files of the following information:

1. Correspondence and dispositions directed to the Chief of Police.

#### **101.3.3 OFFICE OF THE CHIEF OF POLICE - ORGANIZATION**

The Office of the Chief of Police consists of the following positions:

A. Chief of Police.

B. Adjutant to the Chief of Police

C. Public Information Office

D. LAUSD Board Liaison

E. Government / Community Liaison

F. Administrative Support Staff

#### **101.4 AUTHORITY OF THE CHIEF OF POLICE TO FILL VACANCIES**

The Chief of Police has the authority to fill vacancies within the Department.

## Oath of Office

### 102.1 PURPOSE AND SCOPE

Officers of this Department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### 102.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

#### 102.1.2 POLICE OFFICER OATH OF OFFICE

I, \_\_\_\_\_, do solemnly swear to support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States of America; that I will faithfully discharge the duties of a Police Officer for the Los Angeles School Police Department and that I take this obligation freely, without any mental reservation or purpose of evasion.

#### 102.1.3 SENIOR POLICE OFFICER OATH OF OFFICE

I, \_\_\_\_\_, do solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States of America; that I will faithfully discharge the duties of a Senior Police Officer for the Los Angeles School Police Department and that I take this obligation freely, without any mental reservation or purpose of evasion. I further commit to providing the Officers of the Police Department the type of direction that will coach, develop and support them as they strive to provide a safe environment for the students and employees of the Los Angeles Unified School District.

#### 102.1.4 DETECTIVE OATH OF OFFICE

I, \_\_\_\_\_, do solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States of America; that I will faithfully discharge the duties of a Police Detective for the Los Angeles School Police Department and that I take this obligation freely, without any mental reservation or purpose of evasion. I further commit to conducting efficient investigations that recognize the importance of solving crimes that affect the safety and welfare of students, school employees, and the school communities.

#### 102.1.5 SERGEANT OATH OF OFFICE

I, \_\_\_\_\_, do solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States of America; that I will faithfully discharge the duties of a

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Police Sergeant for the Los Angeles School Police Department and that I take this obligation freely, without any mental reservation or purpose of evasion. I further commit to providing ALL employees of the Police Department the type of leadership that will coach, develop and support them as they strive to provide a safe environment for the children and employees of the Los Angeles Unified School District.

#### 102.1.6 LIEUTENANT OATH OF OFFICE

I, \_\_\_\_\_, do solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States of America; that I will faithfully discharge the duties of a Police Lieutenant for the Los Angeles School Police Department and that I take this obligation freely, without any mental reservation or purpose of evasion. I further commit to providing ALL employees of the Police Department the type of leadership that will coach, develop and support them as they strive to provide a safe environment for the children and employees of the Los Angeles Unified School District.

#### 102.1.7 DEPUTY CHIEF OATH OF OFFICE

I, \_\_\_\_\_, do solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States of America; that I will faithfully discharge the duties of a Deputy Chief for the Los Angeles School Police Department and that I take this obligation freely, without any mental reservation or purpose of evasion. I further commit to providing ALL employees of the Police Department the type of leadership that will coach, develop, and support them as they strive to provide a safe environment for the children and employees of the Los Angeles Unified School District.

#### 102.1.8 CHIEF OF POLICE OATH OF OFFICE

I, \_\_\_\_\_, do solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States of America; that I will faithfully discharge the duties of Chief of Police for the Los Angeles School Police Department and that I take this obligation freely, without any mental reservation or purpose of evasion. I further commit to providing ALL employees of the Police Department the type of leadership that will coach, develop, and support them as they strive to provide a safe environment for the students and employees of the Los Angeles Unified School District.

### **102.2 OATH OF LOYALTY**

Upon employment, all non-sworn employees shall be required to affirm the oath of loyalty expressing commitment and intent to respect constitutional rights in discharging the duties of a School Safety Officer (SSO) or a Supervising School Safety Officer.

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##### 102.2.1 SCHOOL SAFETY OFFICER OATH OF LOYALTY

I, \_\_\_\_\_, do solemnly swear to support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States of America; that I will faithfully discharge the duties of a School Safety Officer for the Los Angeles School Police Department, and that I take this obligation freely, without any mental reservation or purpose of evasion.

##### 102.2.2 SUPERVISING SCHOOL SAFETY OFFICER OATH OF LOYALTY

I, \_\_\_\_\_, do solemnly swear to support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States of America; that I will faithfully discharge the duties of a Supervising School Safety Officer for the Los Angeles School Police Department, and that I take this obligation freely, without any mental reservation or purpose of evasion.

#### **102.3 MAINTENANCE OF RECORDS**

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

#### **102.4 POLICY**

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

#### **102.5 OATH OF OFFICE**

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

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

## Law Enforcement Code of Ethics

### 103.1 PURPOSE AND SCOPE

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

### 103.2 POLICY

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

### 103.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

#### 103.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

# Policy Manual

## 104.1 PURPOSE AND SCOPE

The manual of the LASPD is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this Department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where 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.

### 104.1.1 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 LASPD and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the LAUSD, 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 LASPD reserves the right to revise any policy content, in whole or in part, consistent with the current Memorandum of Understanding and as permitted by Government Code §3500 et seq.

## 104.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Chief of Police. Since it is not practical for the Chief of Police to prepare and maintain the manual, the following delegations have been made:

### 104.2.1 CHIEF OF POLICE

The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Special Orders which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

### 104.2.2 COMMAND STAFF

Command Staff shall consist of the following:

- Chief of Police.
- The Deputy Chiefs from each Bureau or Office.
- The Lieutenants from each Division or Office.

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The Command Staff shall review all recommendations regarding proposed changes to the manual at Command Staff Meetings.

#### 104.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of The Policy Manual shall forward their suggestion, in writing, to their Commanding Officer who will consider the recommendation and forward to staff.

#### 104.3 AUTHORITY

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

#### 104.3.1 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.

**CFR** - Code of Federal Regulations.

**Chain of Command** - The chain of command from the Chief of Police down the ranks, and the line of authority from the Police Officer and various civilian employees of the ranks, shall be preserved in order to maintain principles of good administration. Ranks shall not be by-passed. If an Officer is having a particular problem or would like to express a complaint, as an example, the Officer shall consult with his / her immediate supervisor concerning Departmental matters. No Officer shall go directly to the Chief of Police.

**CHP** - The California Highway Patrol.

**Civilian/Civilian Support Staff** - Employees who are assigned as clerical support staff (e.g., Data Analysts, Senior Office Technicians (SOT), Secretaries, Administrative Assistants, interns, volunteers, etc.) who are not sworn peace officers.

**Communications Center/Dispatch** - Watch Commander's Office.

**Department/LASPD/Agency** - The Los Angeles School Police Department.

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

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

**Field Sergeant** - A Sergeant's who primary duty is in charge of field activities. Provide supervision to field personnel and coordinate / maintain the daily posting of accurate timekeeping for designated personnel.

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**Incident Commander** - Is used to describe a supervisor who takes command of an emergency situation, or who is in command of field details at planned special events. An Incident Commander may establish a Field Command Post.

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

**LAUSD** - The Los Angeles Unified School District.

**Manual** - The Los Angeles School Police Department Policy Manual.

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

**Member** - Any person who is employed or appointed by the Los Angeles School Police Department including sworn officers, reserve officers, non-sworn employees and volunteers.

**Officer/Sworn** - Those employees, regardless of rank, who are sworn employees of the Los Angeles School 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.

**Police Communications Representative/PCR** - Employees who are assigned PCRs and or Senior PCRs that are commonly referred to as "Dispatchers", are assigned to the Communications Services Division, and are not sworn police officers.

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

Peace Officer Bill of Rights (POBR) - Government Code 3300-3313 applies to Peace Officers specified in Sections 830.1 to 830.5 of the California Penal Code.

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

**Reasonable Force - Is determined using the Graham v. Connor, 490 U.S. 386 (1989) standard.**

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

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

**Security Officer** - Those part-time employees who are assigned to provide unarmed security services to campuses in the LAUSD Adult School Program.

**School Safety Officer/SSO** - Those employees who are assigned as unarmed uniformed security guards, who are not sworn police officers.

**Special Order** - A Special Order (SO) is an intradepartmental communication that may be used by the Chief of Police to make immediate changes to policy and or procedure.

**Standard Operating Procedure** - A Standard Operating Procedure (SOP) is an intradepartmental communication (based on and supported by LASPD Policy) that is used to outline and delineate

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how specific units, assignments, duties, and functions within the Department are to be carried out by employees.

**Supervisor** - Is used to describe a sergeant or higher ranking officer, engaged in supervision of a subordinate rank or in the general supervision of a Unit, Division, or Bureau.

**Supervising School Safety Officers** - Those employees assigned as unarmed uniformed security guards that supervise SSOs, who are not sworn police officers.

**USC** - United States Code

**Watch Commander - Employee at the rank of Lieutenant, assigned as the Commanding Officer of the Communications Services Division.**

**Watch Sergeant- Employee at the rank of sergeant, assigned to supervise the Watch Commander's Office (Communications Center).**

**Those employees who are assigned as unarmed uniformed security guards.**

#### 104.3.2 DISTRIBUTION OF MANUAL

A computerized version of the Policy Manual will be made available to all Department personnel via the Lexipol web-based platform (<https://policy.lexipol.com/login>). No changes shall be made to the electronic version without authorization from the Chief of Police or designee.

#### 104.4 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this Department's policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy, or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

##### 104.4.1 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 the Department Intranet Home Page under the title Recent Policy Manual Revisions. The Training Sergeant 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.

#### 104.5 PERIODIC REVIEW OF THE POLICY MANUAL

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

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#### **104.6 ISSUING THE POLICY MANUAL**

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

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

#### **104.7 REVISIONS TO POLICIES**

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

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

Each Commanding Officer 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 Commanding Officers, who will consider the recommendations and forward them to the command staff as appropriate.

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

## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

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

### 200.2 BUREAUS

The Chief of Police is responsible for administering and managing the Los Angeles School Police Department. The executive management of the Department is broken into three work streams as follows:

- Campus Services Bureau (CSB)
- Support Services Bureau (SSB)
- Administrative Services Bureau (ASB)
- 

#### 200.2.1 CAMPUS SERVICES BUREAU (CSB)

The Campus Services Bureau is commanded by a Deputy Chief whose primary responsibility is to provide leadership and general management, direction, and control for this Bureau.

The Campus Services Bureau (CSB) consists of uniformed campus based Officers, Campus Support /Safe Passages (CS/SP) Patrol, and School Safety Officers (SSO's) that provide service to following geographic Divisions:

- Division No. 1 Northwest Division
- Division No. 2 Northeast Division
- Division No. 3 West Division
- Division No. 4 Central Division
- Division No. 5 East Division
- Division No. 6 South Division

#### 200.2.2 SUPPORT SERVICES BUREAU (SSB)

The Support Services Bureau is commanded by a Deputy Chief whose primary responsibility is to provide leadership and general management, direction, and control for that Bureau. The Support Services Bureau consists of the following Divisions:

- Division No. 7 Communications Services Division (CSD)
- Division No. 8 Operations Support Division (OSD)
- Division No. 9 School Safety Initiative Division (SSID)

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- Communications Center

#### 200.2.3 ADMINISTRATIVE SERVICES BUREAU (ASB)

The Administrative Services Bureau is commanded by a Deputy Chief whose primary responsibility is to provide leadership and general management, direction, and control for that Bureau. The Administrative Services Bureau consists of the following Divisions:

- Division No. 10 Investigative Services Division (ISD)
- Division No. 11 Administrative Support Division (ASD)
- Training Unit
- Recruitment
- Fleet Management
- Technology Unit
- Payroll Unit
- Citation Control Unit
- Subpoena Control Unit
- Data Analysts/Records Management Unit
- Custodian of Records
- Budget and Financial Services Unit

#### **200.3 EXECUTIVE COMMAND STAFF - FUNCTIONS**

The Command Staff consists of the Chief of Police and Deputy Chiefs. The Command Staff acts as the advisory board for the Chief of Police and shall, upon order of the Chief of Police, consider and recommend matters of policies and/or procedures governing the operation of the Department.

#### 200.3.1 SUCCESSION OF COMMAND

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

- (a) The Office of the Chief of Police (OCOP) shall complete an Absence of Command (AOC) memorandum to:
  1. Identify the dates of absence from command.
  2. Identify the Deputy Chief acting on behalf of the Chief.
    - (a)
    - (b)
    - (c)
  3. Submit the Absence of Command to the LASPD Technology Unit for Department-wide publication.

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- (b) The Office of the Chief of Police (OCOP) shall also e-mail the Absence of Command to the following LAUSD executive staff:
  - 1. Office of the Superintendent
  - 2. Office of School Operations
  - 3. Office of General Counsel
  - 4. Chief Operating Officer
  - 5. Board Secretariat

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police shall be by rank (as outlined below) and then seniority within that rank:

- (a) Deputy Chief
- (b) Division Commanding Officer
- (c) On-duty Watch Sergeant

During planned/scheduled absences (e.g., vacation, training, leave, etc.), command personnel (e.g., Lieutenants, Deputy Chiefs, etc.) shall designate a command level employee to act on their behalf and shall:

- (a) Complete an Absence of Command memorandum
- (b) Identify the dates of absence from command
- (c) Identify the person acting on their behalf
- (d) Submit the Absence of Command to the LASPD Technology Unit for Department-wide publication
- (e) Complete an email and cell phone away from office message

#### **200.3.2 UNITY OF COMMAND**

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

#### **200.4 DIVISIONS**

A Lieutenant commands a Division and oversees the daily activities of sworn personnel, School Safety Officers, supervisors, and civilian staff assigned to a Division or specialized assignment in the School Police Department to ensure that essential police functions are carried out through the proper deployment of personnel.

## General Orders

### **201.1 PURPOSE AND SCOPE**

This policy establishes the manner for giving and receiving orders throughout the LASPD chain of command.

### **201.2 SUCCESSION OF COMMAND**

Succession of Command shall be used to describe the relationship between different ranks and their sequential order which governs commands.

#### **201.2.1 PERSON IN CHARGE OF A GIVEN SITUATION**

Employee's shall be governed by Department policy concerning the person in charge of a given situation within the jurisdiction of the Department.

### **201.3 FORWARDING OF ALL APPLICABLE INFORMATION - SUPERVISORY RESPONSIBILITY**

All supervisory personnel receiving orders, notices, or memorandums that affect their subordinates shall be responsible for the forwarding of all applicable information to those subordinates.

### **201.4 ADDRESSING RANKING OFFICERS**

When on-duty, employees of the Department should address superior officers by their proper titles.

### **201.5 COMPLIANCE WITH LAWFUL ORDERS**

The Department is an organization with a clearly defined hierarchy of authority. This is necessary because unquestioned obedience of a supervisor's lawful command is essential for the safe and prompt performance of law enforcement operations. No employee of the Department shall willfully disobey the lawful order of any supervisor. Discipline may be necessary where there is a willful disregard of lawful orders, commands, or directives.

#### **201.5.1 MANNER OF GIVING ORDERS**

Each supervisor shall use tact in giving orders and in correcting errors in order to inspire confidence and self-motivation. They shall carefully test understanding of instructions to ensure that subordinates know, in detail, what they are to do and how they are to do it, and, if necessary, the reasons therefore.

### **201.6 CONFLICT OF ORDERS**

In the event of a conflict of orders, an employee shall respectfully call such conflict to the attention of the supervisor giving the last order. Should the latter not change the order, the order shall be obeyed. The employee shall not be held responsible for disobedience of any former order or for any violation of the rules when obeying the last order given.

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#### **201.7 SPECIAL ORDERS DURING AN EMERGENCY**

Commanding Officers may issue special orders deviating from this Department Manual in the event of an emergency. Such orders shall remain in effect for the length of time covering the emergency at hand.

#### **201.8 TECHNIQUES OF SUPERVISION**

A supervisor must frequently command the actions of subordinates by orders and directions in order to carry out proper police operations. This must be done forcefully and effectively and is essential to the control of the most critical police situation. A supervisor should make use of positive disciplinary techniques, to promote satisfactory supervisor - subordinate relationships.

## Special Order

### 202.1 PURPOSE AND SCOPE

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

#### 202.1.1 SPECIAL ORDER PROTOCOL

Special Orders (SO) will be incorporated into the manual as required upon approval of Command Staff. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by a Twelve digit number "001" For example, 10-001 signifies the first Special Order for the year 2010.

### 202.2 RESPONSIBILITIES

It is the responsibility of the Department to distribute Special Orders to every Department Bureau and Officer and it is the responsibility of the Officer to stay current with all changes to the Policy Manual.

Special Orders are issued with a hand receipt which:

- Shall be printed and signed by the officer.
- Returned to their supervisor or designee for collection by the Training Unit.

#### 202.2.1 STAFF

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

#### 202.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Special Orders.

## Emergency Operations Plan

### 203.1 PURPOSE AND SCOPE

The LAUSD has prepared an Emergency Operations 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).

### 203.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated on the order of the official designated by LAUSD policy.

The Emergency Operations Center (E.O.C.) is primarily concerned with policy making, administration, personnel management, logistic support, and strategic direction of the operation(s).

#### 203.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the LASPD 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, when the employee is physically capable of doing so, may result in discipline.

#### 203.2.2 RECALL TO DUTY

Any LASPD employee recalled to duty by a supervisor, shall return to duty. If the employee is physically incapable of doing so, the employee shall so advise the requesting supervisor.

#### 203.2.3 RECALL TO DUTY - CATASTROPHIC DISASTER

In the event of a catastrophic disaster, all LASPD employee's upon becoming aware of the incident shall consider the event an automatic recall to duty. After ensuring the safety and security of your family and property, employees shall contact the Watch Sergeant's Office to receive a duty assignment and assignment location. If, due to exigent circumstances, the employee is unable to respond, the employee shall notify the Watch Sergeant.

Catastrophic disasters may be defined as, but not limited to events that cause significant damage, injury, or loss of life such as, earthquakes, fire, riots/civil unrest, tidal waves, tornado/cyclones, and terrorist attacks.

#### 203.2.4 UNUSUAL EVENTS - ASSIGNMENT OF PERSONNEL

An unusual event is defined as a situation which requires the assignment of a large number of personnel to be deployed to respond to pre-planned or spontaneously occurring incidents or events. For pre-planned incidents, all sworn personnel shall wear a uniform with all assigned field equipment. Due to an unusual event or emergency, the following temporary changes to an employee's regular assigned work schedule may be made by the Chief of Police or his designee:

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- **Modified Tactical Alert:** Department-wide notification that may change the employee's normal beginning/ending regular work schedule and their regular work assignment. On-duty personnel may be held over past their regular end-of-watch. Beginning-of-watch times may be altered. Vacation requests may be declined after a specified date. Personnel will stay on-duty until released by the Watch Sergeant.
- **Tactical Alert:** Is a total utilization of on-duty LASPD personnel. Vacation requests may be declined. Regular scheduled days off may be canceled. Personnel will stay on-duty until released by the Watch Sergeant. A tactical alert is the preliminary step to the mobilization of Departmental personnel. It includes the controlled distribution of on-duty personnel. Units should be pre-designated.
- **Mobilization:** Department Mobilization is the response to an Unusual Occurrence wherein ALL sworn and designated civilian employees are mobilized. Department Mobilization causes temporary modification of the Department's operational structure and may suspend response to non-emergency calls for service. Regular days off and scheduled vacation may be canceled. ONLY the Chief of Police or designee may approve a Department Mobilization.

A Mobilization results in twenty-four (24) hour coverage and shall be done by forming two (2) Platoons ("A" and "B") with personnel assigned to twelve (12) hour rotational shifts and cancelation of regular days off. Personnel shall be advised of assignments and reporting responsibilities by the Incident Commander or designee.

\*NOTE: The complexity of an incident and the needs of the Department may also affect shift duration to create overlap and avoid gaps in coverage. This may be done by extending shifts or creating a "C" Platoon to ensure assignments and/or posts remain covered, and will be determined by the Incident Commander.

All non-A basis civilian employees will remain on their current work schedule. Clerical staff will report to their normal work location unless otherwise directed by the Superintendent. All non-A basis School Safety Officers (SSO) will report to the closest available LASPD Station from their residence.

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#### **203.3 LOCATION OF THE PLAN**

The Emergency Operations Plan is available in the Watch Sergeant's Office, all LASPD stations/substations, the LASPD website, and the Emergency Operations Center (EOC). All supervisors should familiarize themselves with the Emergency Operations Plan. The Administrative Support Division Commanding Officer should ensure that Department personnel are familiar with the roles police personnel will play when the plan is implemented.

#### **203.4 UPDATING OF MANUALS**

The Chief of Police or designee shall review the Emergency Operations Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National

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Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

#### **203.5 FIELD SUPERVISOR/FIRST RESPONDER**

In the event of a natural disaster/unusual occurrence affecting a limited area or a single site, the Field Supervisor or first responder will:

- A. Notify communications of the type of and extent of disaster (i.e., chemical spill, numerous injuries).
- B. Take charge as Incident Commander and appoint necessary staff.
- C. Establish a command post strategic to incident. The following shall be considered when establishing a command post:
  1. Access route for ingress and egress.
  2. Parking surface (preferably paved, level, and large).
  3. Presence of telephone lines and company responsibility.
  4. Presence of power lines and company responsible for those lines.
  5. Lack of physical impediments to good radio transmission and reception.
  6. Perimeter security.
  7. Area for helicopter landing site.
  8. Restroom facilities available.
  9. Site expansion potential.
  10. Out of line of sight if incident involves criminal activity (barricaded suspect).
  11. Designate a scribe officer - all personnel reporting to and leaving the command post are to be logged in and out.
  12. Contact communications and request the following notification: Area Supervisor; Chief of Police, and the Deputy Superintendent of School Operations.
  13. Request necessary number of personnel for control purposes. Select frequency to be utilized; advise communications and responding units.
  14. Cordon area and isolate from pedestrian and vehicular traffic.
  15. Evacuate the injured.
  16. Evacuate buildings and rooms, if necessary.
  17. Designate an acting Press Relations Officer and request personnel from Public Information Office.
  18. Designate liaison person to work with site administrator.
  19. Designate liaison with municipal/county law enforcement.

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#### **203.6 TACTICAL CONSIDERATIONS**

Given a major emergency and/or occurrence, the following tactical considerations are to be taken into account:

- A. Request ambulance and fire department units to stand by. Determine access routes and advise concerned units.  
Maintain control of responding forces and ensure that:
  - 1. All personnel report to the Command Post prior to deploying.
  - 2. All personnel are adequately briefed regarding tactical problem, assignment and unit designation.
  - 3. Assigned personnel have communications capability.
  - 4. Establish alternate routes for citizen traffic.
  - 5. Establish telephonic communications with location, if possible.
  - 6. Request necessary support from other public agencies.
- B. Constantly update information to communications, administrative staff.

#### **203.7 DISTRICT FACILITIES—USE AS EMERGENCY SHELTERS**

The District in compliance with federal statutes which allow for the use of public facilities (i.e., schools) as shelters during a disaster, has a mutual agreement with that of the American Red Cross to use LAUSD facilities for such purposes. Requests for use of District facilities by the Red Cross are directed to the School Police Department (Memorandum No. Q-1, Office of the Superintendent: "Use of District Facilities for Emergency Shelters by the American Red Cross," August 3, 1998).

The on-duty Watch Commander shall serve as the liaison between the District and that of the American Red Cross when a request is made to utilize a District site as an emergency shelter. He shall be responsible for making the appropriate District notifications, the updating and completion of applicable forms (i.e., Emergency Shelter/Evacuation List; Emergency Shelter Log) and securing police coverage as requested (See Watch Commander's Manual for additional information).

## Training Policy

### 204.1 PURPOSE AND SCOPE

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

### 204.2 PHILOSOPHY

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

### 204.3 OBJECTIVES

The objectives of the Training Program are to:

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

### 204.4 TRAINING PLAN

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

- Legislative Changes
- California (CA) Commission on Peace Officer Standards and Training (POST)
- Additional State Mandated Training
- LASPD Training
- Critical Issues
- Risk Management Issues

### 204.5 TRAINING NEEDS ASSESSMENT

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

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#### **204.6 TRAINING COMMITTEE**

The Administrative Support Division Commanding Officer shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the Commanding Officer of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Commanding Officer may remove or replace members of the committee at his/her discretion.

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

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor, commanding officer, or chief officer as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Commanding Officer to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Commanding Officer. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

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

#### **204.7 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances.
  - 2. Approved 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. The employee's supervisor shall be responsible for notifying the Training Sergeant that the employee is unable to attend the mandatory training.

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3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

#### **204.8 DAILY TRAINING BULLETINS**

##### **204.9 TRAINING UNIT- SUPERVISOR RESPONSIBILITY**

- Provide direct supervision of the Training Unit, and Field Training Program.
- Develop, implement, and monitor department wide training and related tasks
- Monitor and oversee the Field Training Program.
- Participate in all physical training activities during pre-academy and academy.
- Coordinate recruit training and create related lesson plans and calendars
- Guide, mentor, train and provide constructive feedback to recruits and trainees.
- Prepare and process department wide training notices and bulletins and track completion thereof.
- Maintain and update Training Plan.
- Maintain, develop, and update policies via the LEXIPOL KMS platform.
- Monitor employee compliance with LAUSD procedures and training.
- Provide oversight with the on boarding of new sworn employees, to include equipment issuance and recovery of equipment of resigning/retiring sworn employees.
- Ensure compliance with POST rules and regulations concerning law enforcement training.

##### **204.10 POST CERTIFICATE - OFFICER RESPONSIBILITY**

It is the responsibility of the individual Officer to complete a Peace Officer Standards and Training (P.O.S.T.) Certificate application, which can be obtained through the Training Unit of the Administrative Services Division. The Officer must also provide the appropriate documentation (academy certificate, verification of training courses and college degree or transcripts) along with the application to this same Unit. The Department is responsible for processing the application.

##### **204.11 POST CERTIFICATE - DEPARTMENT PROCESSING**

The Training Unit is responsible for processing the completed P.O.S.T. Certificate application as follows:

- (a) Obtain the approval and signature of the Chief of Police.
- (b) Mail the application to the Commission of P.O.S.T. (Processing takes approximately two (2) to three (3) months).

##### **204.12 POST CERTIFICATE - PAY INCREMENT**

A P.O.S.T. Certificate pay increment will become effective the first full pay period after the date issued on the certificate as provided in the Collective Bargaining Agreements.

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#### **204.13 POST CERTIFICATE - REQUIREMENTS**

The requirements an officer must meet in order to qualify for a Peace Officer Standards and Training (P.O.S.T.) Certificate (Basic, Intermediate, Advanced or Supervisory) can be found on the California Commission on Peace Officer Standards and Training website.

#### **204.14 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.

#### **204.15 TRAINING SERGEANT**

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

##### 204.15.1 TRAINING RESTRICTED

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

## Electronic Mail

### 205.1 PURPOSE AND SCOPE

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

- See LAUSD "Acceptable Use Policy", BUL - 999.5, dated May 1, 2012 or subsequent revision/update.
- See Collective Bargaining Unit Agreement.

### 205.2 EMAIL RIGHT OF PRIVACY

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

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

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

### 205.3 PROHIBITED USE OF EMAIL

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

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

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##### **205.4 EMAIL RECORD MANAGEMENT**

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

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

##### **205.5 ELECTRONIC MAIL ACCESS**

Department personnel will be provided with a Department email account and shall access their Department email account once during each of their regular work shift to review Department correspondence and respond if required, obtain information or to follow any directives. A regular work shift refers to personnel regular work assignment and work hours. Email can be accessed by a Department issued laptop / MDC, a desktop in any LASPD report writing workspace or any LAUSD desktop. In addition, personnel issued a Department cellular phone shall use this device to access their email. Personnel attending off-site training will be exempt from the required daily accessing of email accounts while on training status. Opening of Department email shall serve as acknowledgement of delivery and act as an official receipt.

## **Administrative Communications**

### **206.1 PURPOSE AND SCOPE**

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

### **206.2 MEMORANDUMS**

Department Email 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.

### **206.3 CORRESPONDENCE**

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police.

The Chief of Police and the Deputy Chiefs are the only personnel authorized to use Department letterhead. Department letterhead shall only be used for official business.

Written or electronic creation, use, duplication, dissemination, or distribution of Department letterhead without the approval of the Chief of Police is prohibited.

#### **206.3.1 DEPARTMENT CORRESPONDENCE**

Employees shall write all Department correspondence in the proper format and on the approved form and submit through the chain of command.

Lieutenants and above shall use the memorandum format for all intradepartmental correspondence (written communication within the Department) and all inter-departmental correspondence (written communication within the LAUSD).

All Department written correspondence (i.e., reports, forms, memoranda, letters, etc.) shall use the Arial Font and 12pt for the Font Size.

### **206.4 SURVEYS**

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

## Staffing Levels

### 207.1 PURPOSE AND SCOPE

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

### 207.2 MINIMUM STAFFING LEVELS - SUPPORT SERVICES BUREAU

The Support Services Bureau Chief, with the approval of the Chief of Police, will determine the minimum staffing levels for Support Services Bureau. It shall be the responsibility of the Support Services Bureau Commanding Officers to ensure that the minimum staffing levels are met.

### 207.3 MINIMUM STAFFING LEVELS - ADMINISTRATIVE SERVICES BUREAU

The Administrative Services Bureau Chief, with the approval of the Chief of Police, will determine the minimum staffing levels for Administrative Services Bureau. It shall be the responsibility of the Administrative Services Bureau Commanding Officers to ensure that the minimum staffing levels are met.

### 207.4 MINIMUM STAFFING LEVELS - CAMPUS SERVICES BUREAU

The Campus Services Bureau Chief, with the approval of the Chief of Police, will determine the minimum staffing levels for Campus Services Bureau. It shall be the responsibility of the Commanding Officer of each Campus Services Bureau divisions to ensure that the minimum staffing levels are met.

When schools are normally in session, minimum staffing levels for supervision of field personnel should result in the scheduling of at least two regular supervisors on duty, whenever possible, for each of the six Campus Services Bureau divisions.

## License to Carry a Firearm

### **208.1 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.

## Retiree Concealed Firearms

### 209.1 PURPOSE AND SCOPE

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

### 209.2 QUALIFIED RETIREES

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

- (a) A retired peace officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency.
- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code 26305).

### 209.3 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.

#### 209.3.1 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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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.

#### 209.3.2 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 LASPD 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.

#### **209.4 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).

#### 209.4.1 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 § 25465):

- (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 five years). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

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#### **209.5 FORMER OFFICER RESPONSIBILITIES**

A former officer with a card issued under this policy shall immediately notify the Watch Sergeant 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.

##### **209.5.1 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 § 25465):

- (a) Qualify every five years 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.

#### **209.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD**

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

#### **209.7 FIREARM QUALIFICATIONS**

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

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

The agency from which a peace officer is honorably retired may, upon initial retirement of that peace officer, or at any time subsequent thereto, deny or revoke for good cause the retired officer's privilege to carry a concealed firearm. The CCW endorsement may be immediately and temporarily revoked by the Watch Sergeant 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

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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 Sergeant as soon as practicable. The Watch Sergeant should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
  2. The Watch Sergeant 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 Sergeant 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 Sergeant

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may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

## **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 objectively 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 objectively reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

#### **300.2.1 DUTY TO INTERCEDE**

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

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

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

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

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

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

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

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

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

### **300.3 USE OF FORCE**

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

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

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

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

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

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

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

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

#### 300.3.2 USE OF THE DUTY KNIFE

The duty knife shall only be used as a duty weapon in a deadly force situation and shall not be considered as a primary weapon of defense. The use of the duty knife as a weapon shall only be considered in extraordinary circumstances and should be reserved for those situations justifying such action.

Fixed blades or sheath knives are not permitted on duty. Folding knives with a maximum blade length of four inches may be carried in a closed, single magazine case on the Sam/Sally Brown belt or in a trouser pocket.

#### 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).

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

#### 300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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##### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use objectively 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 LASPD for this specific purpose.

##### 300.3.6 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.

##### 300.3.7 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).

##### 300.3.8 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).

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#### **300.3.9 ADDITIONAL RESTRICTIONS**

Terms such as “positional asphyxia,” “restraint asphyxia,” and “excited delirium” continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an officer’s use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual’s breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

#### **300.4 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).

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

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

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

##### 300.4.2 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.

#### **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 control device.

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- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

#### 300.5.2 USE OF FORCE REPORTING, INVESTIGATION, AND REVIEW

The Department utilizes a three-tiered approach to the investigation and review of reportable use of force incidents.

- Level 1 Use of Force incidents - Officer-involved shooting, unintentional discharges as a result of a duty deployment (not to include unintentional discharges during non-duty deployment or animal shootings), head strike with impact weapon, head strike with shod foot, force used caused suspect to be rendered unconscious or hospitalized (admitted for overnight observation or longer). The force used caused a broken or fractured bone, or any use of force resulting in a significant risk management concern.
- Level 2 Use of Force incidents - Injury requiring transport and treatment by certified medical personnel (excluding treatment and release incidents), strikes with impact weapons, less-lethal launcher strike, Total Appendage Restraint Procedure (TARP), use of Oleoresin Capsicum (OC) on students, physical strikes or use of force incidents that have significant inconsistencies in the officer(s), witness, or involved parties statements (to include incidents where unauthorized/excessive force is alleged by any party).
- Level 3 Use of Force Incidents -Take-downs, use of oleoresin capsicum spray (OC) on non-students, where there are no injuries requiring medical treatment at a hospital (excluding treatment and release incidents) or significant inconsistencies in the officer(s), witness, or involved parties statements.

#### 300.5.3 SUPERVISOR USE OF FORCE REPORTING

Level 1 Use of Force Incidents - The Bureau Commanding Officer of the involved employee and the investigative team shall provide an in person incident debrief to the Chief of Police within 48 hours of the Use of Force incident (excluding weekends and Holidays). Level 1 Use of Force incidents shall be reviewed by the Use of Force Review Committee (UOFRC) and submitted to the Chief of Police within 45 calendar days of the incident.

Level 2 Use of Force incidents, once submitted, shall be reviewed by the UOFRC within and submitted to the Chief of Police within 45 calendar days of the incident. Once reviewed and approved by the Chief of Police, the Use of Force incident will be assigned to the Division Commanding Officer of the involved employee(s) for adjudication.

Level 3 Use of Force Incidents - The Division Commanding Officer of the involved employee(s) shall review and adjudicate the incident from the perspective of the involved officer(s) and not apply any personal subjective opinions. Determine if the force used was lawful, objectively reasonable,

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and in policy (using *Graham v. Connor*, 490 U.S. 386 [1989] and Department policy as the standards) and if the tactics employed were consistent with the officer's training. The Division Commanding Officer shall print the incident summary and provide a briefing to the Chief of Police within 20 calendar days of the Use of Force incident (excluding weekends and Holidays). The Division Commanding Officer will adjudicate the Use of Force incident (i.e. tactical debrief, training, Comment Sheet, Summary of Conference, etc.) and document actions taken on an Intradepartmental Correspondence to the Chief of Police.

Note: The Chief of Police will be the final reviewer of all Use of Force incidents.

#### 300.5.4 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.

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See the Medical Aid and Response Policy for additional guidelines.

#### **300.7 SUPERVISOR RESPONSIBILITY**

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Determine if the use of force is a Level 1, Level 2, or Level 3 incident.
  1. Upon the supervisor determining that a Level 1 Use of Force incident has occurred, they shall make notification to the Watch Commander's Office within twenty minutes. A detective team shall be called out for all Level 1 Use of Force incidents.
  2. Upon the supervisor determining that a Level 2 or Level 3 Use of Force incident has occurred, they shall make notification to the Watch Commander's Office as soon as practicable, but in all cases, no later than the responding supervisor's end of watch.
- (d) 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.
- (e) 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.
- (f) Identify any witnesses not already included in related reports.
- (g) Review and approve all related reports.
- (h) 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.
- (i) 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 a reportable use of force incident, the Watch Sergeant shall respond to the scene of the incident.

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

Upon notification from an on scene supervisor, the Watch Sergeant shall:

- (a) Document every use of force incident in the Watch Sergeant's Daily Report.
- (b) On all Level 1 Use of Force incidents, make immediate notifications to the chain-of-command of the involved employee's Bureau and the Chief of Police.
- (c) Make administrative notifications, consistent with current policy.
- (d) Coordinate appropriate response of additional resources, as necessary (i.e., detectives, Rescue Ambulance, etc.).

#### **300.8 TRAINING**

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

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

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

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

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

#### **300.9 PUBLIC RECORDS REQUESTS**

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

#### **300.10 POLICY AVAILABILITY**

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

#### **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 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)).

## Use of Force Review Committee

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the LASPD 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.

### 301.2 POLICY

The LASPD 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.

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

### 301.4 REVIEW BOARD

The Department utilizes a three-tiered approach to the investigation and review of reportable use of force incidents. The Use of Force Review Committee (UOFRC) reviews "Level 1" and "Level 2" use of force incidents. Incidents classified as a "Level 3" will be reviewed by the Commanding Officer of the involved employee. The UOFRC generally will not review Level 3 UOF incidents unless requested by a Commanding Officer or the Chief of Police for policy, procedure or other judicial/statute clarification or insight.

#### 301.4.1 COMPOSITION OF THE COMMITTEE

All Use of Force Review Committee members will have equal input on all incidents reviewed, with the exception of the School Safety Officer representative, who will serve in an advisory capacity during incidents involving another School Safety Officer.

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Committee is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The committee members may request further information, request reports be submitted for the committee's review, call persons to present information. The involved employee will be notified of the committee meeting and may be present if they choose. An employee may choose to have a representative present at the committee meeting.

The employee shall have the opportunity to make a voluntary statement or offer points of clarification regarding the facts being discussed during the committee review. The committee may

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ask additional clarifying questions regarding statements offered by the employee. At no time will the employee be compelled to answer a question.

The committee does not have the authority to recommend discipline.

The Chief of Police will determine whether the committee 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 committee 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.

The committee shall make one or more 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 tactics were consistent or deficient with current Department training and practices.

A recommended finding requires a majority decision from the committee. In the event the committee decision is not a majority, the chairperson will render the final recommendation. The committee chairperson may also recommend additional investigations or reviews, such as training reviews to consider whether training should be developed or revised, and policy reviews, as appropriate. The committee 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 Commanding Officer 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.

### **301.5 USE OF FORCE REPORTING, INVESTIGATION, AND REVIEW LEVELS**

The Department utilizes a three-tiered approach to the investigation and review of reportable use of force incidents:

Level 1 Use of Force incidents - Officer-involved shooting, unintentional discharges as a result of a duty deployment, head strike with impact weapon, head strike with shod foot, force used caused suspect to be rendered unconscious or hospitalized.<sup>1</sup> The force used caused a broken or

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fractured bone, or any use of force resulting in a significant risk management concern. Exceptions:

A Level 1 does NOT include:

- unintentional discharges during non-duty deployment whereby there are no injuries or hits
- animal shooting

Level 2 Use of Force incidents - Injury requiring transport and treatment by certified medical personnel (excluding use of oleoresin capsicum (OC) spray, or minor abrasions not requiring sutures), strikes with impact weapons, less-lethal launcher strike, Total Appendage Restraint Procedure (TARP), use of a carotid control hold (no loss of consciousness), or use of force incidents that have significant inconsistencies in the officer(s), witness, or involved parties statements (to include incidents where unauthorized/excessive force is alleged by any party).

Level 3 Use of Force Incidents - Physical strikes, take-downs, use of oleoresin capsicum spray (OC), where there are no injuries requiring medical treatment at a hospital, no significant inconsistencies in the officer(s), witness, or involved parties statements.

#### **301.6 USE OF FORCE INVESTIGATION, REPORTING, AND REVIEW PROCESS**

Level 1 Use of Force incidents shall be investigated by a detective roll out team with assistance from the initial supervisor that responded to the UOF incident (initial responding supervisor should cause the UOF incident to be entered into Blue Team within 48 hours of the incident). The Bureau Commanding Officer of the involved employee and the investigative team shall provide an incident debrief to the Chief of Police within 48 hours of the Use of Force incident (excluding weekends and Holidays). Once completed by the investigative team, Level 1 UOF investigations shall be forwarded to the UOFRC for review and findings. Upon the UOFRC review and findings, the UOFRC shall forward their report to involved employee's Commanding Officer for review and recommendations. The reviewing Commanding Officer shall forward the completed UOF investigation and UOFRC Review Report to the involved employee's Bureau Commanding Officer for review and concurrence. The Bureau Commanding Officer shall forward the UOF investigation and UOFRC report to the Chief of Police for final review and approval within 60 calendar days of the incident.

Level 2 Use of Force incidents shall be investigated by a sworn supervisor. The investigation should be thorough and include recorded interviews of witnesses and written statements. Once completed by a sworn supervisor, Level 2 UOF investigations shall be forwarded to the UOFRC for review and findings. Upon the UOFRC review and findings, the UOFRC shall forward their report to the involved employee's Commanding Officer for review, adjudication and recommendations. The reviewing Commanding Officer shall forward the completed UOF investigation and UOFRC report to the involved employee's Bureau Commanding Officer for review and concurrence. The Bureau Commanding Officer shall forward the UOF investigation and UOFRC report to the Chief of Police for final review and approval within 45 calendar days of the incident.

Level 3 Use of Force Incidents shall be investigated by a sworn supervisor. The Division Commanding Officer of the involved employee(s) shall review and adjudicate the incident from the

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perspective of the involved officer(s) and not apply any personal subjective opinions. Determine if the force used was objectively reasonable and in policy using *Graham v. Connor*, 490 U.S. 386 [1989] and Department policy as the standards and if the tactics employed were consistent with the officer's training. The Division Commanding Officer will adjudicate Use of Force incident (i.e. tactical debrief, training, Comment Sheet, Summary of Conference, etc.) within 30 days of the incident. The reviewing Commanding Officer shall forward the completed UOF investigation to the involved employee's Bureau Commanding Officer for review and concurrence. The Bureau Commanding Officer shall forward the UOF investigation to the Chief of Police for final review and approval. The UOFRC generally will not review Level 3 UOF incidents unless requested by a Commanding Officer or the Chief of Police for policy, procedure or other judicial/statute clarification or insight.

Note: The Chief of Police will be the final reviewer of all Use of Force incidents.

## Handcuffing and Restraints

### 302.1 PURPOSE AND SCOPE

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

### 302.2 POLICY

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

### 302.3 USE OF RESTRAINTS

Only members who have successfully completed LASPD-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.

#### 302.3.1 RESTRAINT OF DETAINEES

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

#### 302.3.2 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.

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#### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

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

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

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

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

#### **302.5 APPLICATION OF SPIT HOODS**

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

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

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

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

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

#### **302.6 REQUIRED DOCUMENTATION**

The use of a Total Appendage Restraint Procedure (T.A.R.P.) shall be documented in the related report. The officer should include, as appropriate:

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- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

#### **302.7 TRAINING**

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

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

## Control Devices and Techniques

### 303.1 PURPOSE AND SCOPE

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

### 303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the LASPD authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

#### 303.2.1 AUTHORIZED IMPACT WEAPON

The Department issued impact weapon (side-handle baton) must be readily available to on-duty uniformed officers at all times.

All on-duty uniformed officers shall carry an approved impact weapon while assigned to field duties, unless otherwise instructed.

Officers may purchase other Department approved impact weapons at their own expense. Officers may not carry or use any impact weapon unless they have successfully completed Department approved training for that particular weapon.

The Department does not advocate the use of the flashlight as an impact weapon; however, under exigent circumstances, a flashlight may be used as an alternative impact weapon when the primary impact weapon is not available. Any use of the flashlight as an impact weapon is a reportable use of force.

### 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

### 303.4 RESPONSIBILITIES

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##### **303.4.1 WATCH SERGEANT RESPONSIBILITIES**

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

##### **303.4.2 INVENTORY RESPONSIBILITIES**

The Training Unit shall control the inventory and issuance of control devices and shall ensure that all damaged, inoperative, outdated or expended control devices are replaced.

The Department's Rangemaster, or designee, shall control the inventory and issuance of all Less Lethal Launchers and munitions and ensure they are properly inspected, disposed of, repaired or replaced.

Every control device will be periodically inspected by the Training Unit or the designated Defensive Tactics Unit (DTU) instructor for a particular control device. The inspection shall be documented.

##### **303.4.3 USER RESPONSIBILITIES**

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Unit Sergeant for disposition. Damage to LASPD property shall be documented on an Employees Report and forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **303.5 BATON GUIDELINES**

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

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

##### **Primary Striking Areas**

- Body parts that pose the greatest potential or actual threat to the officer (i.e., hands, arms, legs)
- Strikes in these areas normally result in minimal levels of trauma.
- Resultant injuries tend to be temporary rather than permanent.
- Striking bony areas/impact points may cause pain, breakage, and/or dysfunction of limb.
- Striking a muscle mass may cause trauma and/or pain.
- Striking a motor point may cause pain or temporary motor dysfunction for five to ten minutes.

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#### Secondary Striking Areas

- Body parts/areas that do not pose an inherent direct threat to the officer.
- Strikes in these areas normally result in moderate levels of trauma.
- Resultant injuries tend to be more serious and of longer duration.
- Striking body areas/impact points may cause pain or breakage.
- Striking a motor point may cause pain or temporary motor dysfunction for five to ten minutes.
- Striking a body organ may cause intense pain, internal bleeding, and organ dysfunction.

These striking areas are considered “secondary” in a progression or escalation of force situation. These targets may be chosen when strikes to “primary” striking areas have proven ineffective in responding to a threat or attack. “Secondary” target areas may also be resorted to initially and immediately to counter immediately increased aggression, heightened levels of threats or sudden attacks justifying a higher level of initial force.

#### Vital Striking Areas

- Vital body parts as well as near vital body parts.
- Strikes in these areas normally result in the highest level of trauma.
- Resultant injuries are more likely to be permanent and may include un-consciousness, shock, nervous system damage, paralysis, or death.
- Striking in these areas may cause intense pain, breakage, paralysis, organ dysfunction, asphyxiation, hemorrhaging, unconsciousness, brain damage, and death.

#### **303.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances after evaluating all known conditions. Only the Watch Sergeant, Incident Commander or Critical Response Team Commander may authorize the delivery and use of tear gas.

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.

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

OC spray is a chemical irritant which is an effective defensive and de-escalation option that can mitigate violent acts and resistive/combatative behavior of offenders. OC spray may be considered for use as self-defense or a method of defending others from imminent threat of or actual use of physical force of violence. 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. OC spray is intended as a person-specific dispersal agent and NOT as a crowd

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dispersal agent. **LASPD sworn personnel and SSOs shall not utilize OC spray on campus involving persons who reasonably appear to be k-12 students or minors.**

NOTE: Nothing in this section changes Department Policy Section 300.3: USE OF FORCE

#### 303.7.1 OC SPRAY

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

#### 303.7.2 TREATMENT FOR OC SPRAY EXPOSURE

LASPD personnel shall take the following course of action after deploying OC on another person:

- If practicable, request a LAUSD school nurse to care for the needs of the person affected by the spray.
- Absent the availability of a school nurse, request the response of paramedic personnel to the location of occurrence.
- In cases involving an arrest, persons exposed to OC spray may be transported to a hospital or medical jail facility for first aid.

#### **303.8 POST-APPLICATION NOTICE**

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

#### **303.9 LESS LETHAL LAUNCHER GUIDELINES**

This Department is committed to reducing the potential for violent confrontations. Less Lethal Launchers (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.

##### 303.9.1 DEPLOYMENT AND USE

Only Department-approved less lethal 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:

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- (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.

#### 303.9.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The spine, 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.

#### 303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use as Less Lethal Launchers will be specially marked (orange) in a manner that makes them readily identifiable as such.

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

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

#### **303.10 TRAINING FOR CONTROL DEVICES**

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

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

#### **303.11 HOBBLING ARRESTEES**

An arrestee may be secured with a hobbling device when:

- A. The arrestee violently resist arrest.
- B. The arrestee continues to be combative.
- C. Officers are unable to safely control the arrestee.
- D. Other restraint techniques appear impractical.

Total Appendage Restraint Procedure (T.A.R.P.) utilizes the hobble restraint to connect the arrestee's wrists behind the back and link to the arrestee's ankles in such a manner as to immobilize the arrestee without undue pain or physical injury.

#### **303.12 HOBBLE RESTRAINT-DETAINING ARRESTEES IN FRONT PRONE POSITION**

Arrestees who are restrained with the hobble restraint in a prone, chest-down position or T.A.R.P. shall be turned on their left side as soon as possible.

#### **303.13 RELEASING HOBbled ARRESTEES TO OTHER AGENCIES**

When releasing a hobbled arrestee to another agency, Officers shall explain to the senior Officer of the agency accepting custody that the arrestee was hobbled and that our policy requires medical technicians to examine the arrestee and check vital signs prior to booking if a T.A.R.P. was used. School Police Officers should further explain that the condition of the arrestee should be monitored frequently for the first two (2) hours after booking.

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##### **303.14 TRANSPORTING ARRESTEES IN HOBBLER**

Whenever practicable Officers transporting an arrestee secured with a hobble restraint shall seat the arrestee in an upright position in the right rear passenger seat of the police vehicle and secure the arrestee in this position by loosening the hobble sufficiently to fasten the seatbelt. The passenger Officer shall monitor the hobbled arrestee continuously during transport.

In the event that an arrestee cannot be sufficiently controlled in an upright position, Officers shall request the assistance of Fire Department Paramedics to transport the arrestee locally.

##### **303.15 BOOKING ARRESTEES WHO ARE DETAINED IN A FRONT PRONE POSITION WITH HOBBLER**

Upon arrival at the booking facility, the restraints shall be removed as soon as possible. If the arrestee was previously detained in a T.A.R.P., the arrestee shall have vital signs (pulse, respiration and blood pressure) checked.

## Officer-Involved Shootings and Deaths

### 304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

### 304.2 POLICY

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

### 304.3 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.

### 304.4 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.

#### 304.4.1 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 LASPD would control the investigation if the suspect's crime occurred in Los Angeles School Police Department.

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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##### 304.4.2 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 agency is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

##### 304.4.3 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.

#### **304.5 INVESTIGATION PROCESS**

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

##### 304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved LASPD 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 Los Angeles School Police 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.

##### 304.5.2 WATCH SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Sergeant shall be responsible for coordinating resources and notifications.

##### 304.5.3 NOTIFICATIONS

Upon receiving notice that shots have been discharged by an Officer or an employee, the Watch Sergeant shall make the appropriate telephonic notifications. Notifications shall be made immediately in succession as follows:

The following person(s) shall be notified as soon as practical:

- Chief of Police
- Deputy Chiefs
- Affected Division Commanding Officer
- Investigative Services Division Commanding Officer
- District Attorney OIS rollout team (at the direction of the Chief of Police or his/her designee)

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- LAUSD Division of Risk Management
- Unit A
- Unit H
- LAUSD Level 1 Notifications (upon approval of the Chief of Police or his/her designee)

#### 304.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved LASPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any LASPD 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 Sergeant 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 LASPD 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 LASPD officer should be given an administrative order not to discuss the incident with other involved officers or LASPD 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.

#### 304.5.5 INVOLVED OFFICERS

All incidents in which an officer or employee of the Los Angeles School Police Department discharges a firearm, intentionally or accidentally, shall be reported to the Department. This shall apply regardless of whether the officer or employee is on or off-duty, however, does not include shootings related to training, sporting or competition.

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Employees who discharge a firearm shall immediately report the incident to the on duty Watch Sergeant. The responsibility shall rest primarily with the involved employee, but secondary responsibility rests with any employee who is witness to, or has knowledge of, such discharge.

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  1. Involved LASPD 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-LASPD 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 LASPD officer. A licensed psychotherapist may also be provided to any other affected LASPD members, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) 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. An officer involved in a shooting incident shall holster their firearm as soon as practical. It shall remain holstered in an unaltered and unexamined state until the officer is removed from the field and is interviewed. Involved officer(s) shall only relinquish their weapon to the LASPD Commanding Officer overseeing the Officer Involved Shooting investigation or to the Department personnel designated by the Commanding Officer. All expended cartridges, discarded magazines, etc. shall be preserved at the scene until recovered by the criminal investigators.

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

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

##### **304.6.1 REPORTS BY INVOLVED LASPD OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this Department shall retain the authority to require involved LASPD 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 LASPD 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 LASPD officer of the right to consult with legal counsel prior to completing any such criminal report.

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Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

#### 304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
  1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Los Angeles School Police 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.

#### 304.6.3 INVESTIGATIVE PERSONNEL

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

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations 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 Commanding Officer.

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#### **304.7 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 LASPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
  3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
  4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review

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Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **304.8 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 Attorney General's Office, as appropriate.

#### **304.9 CIVIL LIABILITY RESPONSE**

A member of this Department may be assigned to work exclusively under the direction of the legal counsel for the Los Angeles School Police 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.

#### **304.10 DEBRIEFING**

Following an officer-involved shooting or death, the LASPD should conduct both a critical incident/stress debriefing and a tactical debriefing.

##### **304.10.1 TACTICAL DEBRIEFING**

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

##### **304.10.2 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Administrative Services Commanding Officer 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.

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

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

#### **304.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and Los Angeles School Police Department representative responsible for each phase of the investigation. Releases will be available to the Watch Sergeant, Investigation Divisions Commanding Officer and Public Information Officer in the event of inquiries from the media.

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

#### **304.12 REPORTING**

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

## Firearms

### 305.1 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.

### 305.2 POLICY

The LASPD 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.

### 305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

Sworn personnel requesting a Firearms-Purchase Letter, on Department letterhead, may submit, through their chain of command, a memorandum to the Central Services Bureau Deputy Chief. The request shall include the following:

- A. The requesting Officer's name.
- B. The name and address of the place where the firearm is to be purchased.
- C. The make and model of the weapon to be purchased.

#### 305.3.1 HANDGUNS

The authorized department-issued primary duty handgun is the Glock Model 22 or the Glock Model 45. The Firearms Training Unit will maintain a list of approved primary duty, backup, and off duty handguns. See below Authorized Handgun Appendix.

[See attachment: Approved Handgun Appendix 30MAR21.pdf](#)

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Firearms previously approved by the Chief of Police may continue to be carried by sworn personnel given a yearly qualification is maintained with that firearm. The Rangemaster may present a firearm by a manufacturer not listed in the firearms policy on a very limited basis for approval by the Chief of Police.

#### 305.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870.

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

#### 305.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR platform.

Officers should not carry or utilize the patrol rifle unless they have successfully completed Departmental training. This training shall consist of the Department patrol rifle user's course and qualifying passing score with a Firearms Training Unit instructor. Officers shall thereafter be required to successfully complete quarterly training and qualification conducted by a Firearms Training Unit instructor.

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.

Qualified officers carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" status until deployed. "Patrol Ready" for the UPR is defined as:

- A. The safety is on
- B. The chamber is empty
- C. The bolt is forward
- D. A loaded magazine is inserted into the rifle

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

#### 305.3.4 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:

- (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 Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (e) All handguns carried by Department personnel, on duty, must be black, or a shade of gray, or bare metal. Two tone handguns, professionally finished, are approved in the above mentioned shades of color.
- (f) **On Duty in Uniform:** Only handguns that meet the following criteria are approved to carry on duty as a primary weapon, while in uniform. All handguns include those models with or without an accessory (light rail) and with or without night sights. No target model sights are approved.
  1. Manufacturers: Colt, Glock, Kimber, Sig Sauer, Smith & Wesson, Springfield Armory, Staccato.
  2. Specifications: The handgun must have a barrel length of at least 4 inches, a magazine capacity of at least 7 rounds, and be chambered in one of the following calibers: 9mm (9x19), .40 Smith & Wesson (S&W), or .45 Automatic Colt Pistol (ACP)
- (g) **On Duty in Plain Clothes:** Only handguns that meet the following criteria are approved to carry on duty as a primary weapon, while in plain clothes. All handguns include those models with or without an accessory (light rail) and with or without night sights. No target model sights are approved.
  1. Manufacturers: Colt, Glock, Kimber, Sig Sauer, Smith & Wesson, Springfield Armory, Staccato.
  2. Specifications: The handgun must have a barrel length of at least 3 inches, a magazine capacity of at least 7 rounds, and be chambered in one of the following calibers: 9mm (9x19), .40 S&W or .45 ACP.

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##### 305.3.5 AUTHORIZED SECONDARY HANDGUN

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

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.
- (i) **On Duty Secondary Weapon:** Only handguns that meet the following criteria are approved to carry on duty as a secondary weapon (back up), while in uniform or plain clothes. All handguns include those models with or without an accessory (light rail) and with or without night sites. No target model sights are approved.
  1. Manufacturers: Colt, Glock, Kimber, Sig Sauer, Smith & Wesson, Springfield Armory, Staccato.
  2. Specifications: The handgun must have a barrel length of at least 1 ½ inches, a magazine or cylinder capacity of at least 5 rounds, and be chambered in one of the following calibers: .380 ACP, .38 Special, 9mm (9x19), .40 S&W, or .45 ACP.

##### 305.3.6 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.

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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 Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
  - (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
  - (e) The member will successfully qualify with the firearm prior to it being carried.
  - (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
  - (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
  - (h) Members shall only carry department authorized ammunition.
  - (i) When armed, officers shall carry their LASPD identification cards under circumstances requiring possession of such identification.
  - (j) **Off Duty:** Only handguns that meet the following criteria are approved to carry off duty. All handguns listed include those models with or without an accessory (light rail) and with or without night sites. No target model sights are approved.
    1. Manufacturers: Colt, Glock, Kimber, Sig Sauer, Smith & Wesson, Springfield Armory, Staccato.
    2. Specifications: The handgun must have a barrel length of at least 1 ½ inches, a magazine or cylinder capacity of at least 5 rounds, and be chambered in one of the following calibers: .380 ACP, .38 Special, 9mm (9x19), .40 S&W, or .45 ACP.

#### 305.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued new duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

#### 305.4 EQUIPMENT

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

##### 305.4.1 REPAIRS OR MODIFICATIONS

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

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

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

#### 305.4.2 HOLSTERS

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

#### 305.4.3 TACTICAL LIGHTS

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

#### 305.4.4 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 Rangemaster. 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.

### **305.5 SAFE HANDLING, INSPECTION AND STORAGE**

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns 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.

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- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed 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.

#### 305.5.1 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 and Department issued handguns may be safely stored in lockers at the end of the shift. Department-owned shotguns, rifles and less lethal launchers shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns, rifles and less lethal launchers shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room. Approval to take home and properly store Department issued firearms shall be at the discretion of the Firearms Rangemaster. For example, firearms associated with assignments such as Firearms Training Unit, Investigative Services Division, Critical Response Team, K-9 Unit etc.

#### 305.5.2 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).

#### 305.5.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently

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affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

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

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

#### 305.5.4 ALCOHOL AND DRUGS

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

#### **305.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete training or qualification quarterly with their primary duty firearms. In addition to quarterly training, all members will qualify at least once every six months with their duty firearms. Members will qualify with off-duty and secondary firearms at least once every six months.. Training and qualifications must be on an approved range course.

Members on long term leave who are not precluded from carrying a concealed weapon must qualify at least once every six months.r. Members on light duty assignments shall qualify unless they have a written request for exception from a physician which is approved by the Chief of Police.

The Chief of Police and Deputy Chiefs are required to qualify at least once every six months..

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations.

##### 305.6.1 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

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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.

#### **305.7 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

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

#### **305.7.1 DESTRUCTION OF ANIMALS**

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

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

#### **305.7.2 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

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##### **305.7.3 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.

##### **305.8 RANGEMASTER DUTIES**

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

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

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

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

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

##### **305.9 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 LASPD 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).

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- (c) The LASPD must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the LASPD 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 must also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **305.10 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 LASPD 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.

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

#### **305.11 SHOTGUN POLICY**

Sworn personnel must have successfully completed the Department prescribed course of instruction, prior to utilizing a Department issued shotgun on duty.

##### 305.11.1 AUTHORIZED SHOTGUN ACCESSORIES

The following are the authorized accessories for Department issued shotguns:

- A. A black nylon sling
- B. a six (6) round side saddle
- C. weapon light fore-end

##### 305.11.2 SHOTGUN - FIELD USE

The shotgun shall be deployed in situations that warrant the use of deadly force as outlined in this Department Manual (See Use of Force and subsequent sections).

##### 305.11.3 SHOTGUN AND AMMUNITION STORAGE

All personnel required to take a shotgun out to the field, shall check out a shotgun at the beginning of their assigned watch. At the completion of their watch, personnel shall return the issued shotgun to a weapon locker safe located at a Department storage facility.

Shotguns shall not be left in patrol vehicles at an Officer's end of watch.

Personnel shall be issued four (4) rounds of 00 buck ammunition, which are to remain in their custody during their assignment.

##### 305.11.4 SHOTGUNS - ACCOUNTABILITY SHOTGUNS - ACCOUNTABILITY SHOTGUNS - ACCOUNTABILITY

To ensure accurate accounting of all Department issued shotguns, personnel checking out a shotgun shall place the assigned number of the weapon checked out to them on the Daily Field Deployment Roster and shall initial for accuracy.

##### 305.11.5 SHOTGUN - PROCEDURE

Department personnel shall adhere to the procedures as outlined in the Department Manual to ensure the issued shotgun's serviceable condition and its proper handling.

##### 305.11.6 INSPECTION OF SHOTGUN - SIX POINT SAFETY CHECK

The Six Point Safety Check will be used to inspect the Remington Model 870. The adherence to this systematic procedure will ensure that the shotgun has been checked efficiently and safely. Safety is a primary concern when conducting the Six Point Safety Check. This check should be performed outdoors and away from any overhead structure. The shotgun should always be considered loaded until the Officer determines otherwise.

The shotgun must be unloaded (no rounds in the chamber or magazine) before performing the

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Six Point Safety Check. Once the shotgun is determined to be unloaded and the safety is "on," the Six Point Safety Check shall be conducted as follows:

1. Barrel
2. Ejector
3. Extractor
4. Firing Pin
5. Safety
6. Shell Carrier

#### 305.11.7 AMMUNITION INSPECTION

Officers should inspect each round of shotgun ammunition for damage and possible leakage of any material prior to loading the shotgun. Live rounds should not be stored in places such as vehicle glove boxes, trunk compartments or any other location where the ammunition may be exposed to heat. If any rounds are found to be damaged, they should be returned to a sergeant for replacement.

#### 305.11.8 LOCATION FOR LOADING AND UNLOADING SHOTGUNS

Sergeants conducting roll call are responsible for designating a safe location to load and unload all shotguns.

#### 305.11.9 SHOTGUN - LOADING/PATROL READY

To load the magazine, confirm the safety is "on" and the weapon is empty. The Safety is "on" when it protrudes to the right of the trigger guard, when the shotgun is held with the loading port facing away from the body. Rack the action several times, lock the fore-end to the rear and perform a visual and physical inspection of the ejection port, chamber, and the magazine to confirm all are empty. Close the action, point the muzzle in a safe direction, take the safety off, press the trigger and immediately place the safety back on. Maintaining a proper firing grip on the stock with the primary shooting hand, load four (4) live rounds with the support hand by pressing up on the shell carrier and pushing each round into the magazine tube. Ensure that the live round is pushed far enough into the magazine to clear the cartridge stop, otherwise the spring will push it back out. Shotguns shall be loaded with the four (4) rounds in the tubular magazine and the chamber empty, with the safety on.

#### 305.11.10 SHOTGUN - CHAMBERING A ROUND

With the muzzle in a safe direction, safety "on," the primary index finger depresses the slide release while the support hand briskly operates the slide handle completely open, then completely closed and locked. To ensure that this procedure was successful, chamber check.

#### 305.11.11 SHOTGUN - CHAMBER CHECK

To chamber check, the primary index finger must depress the slide release and the support hand draws the slide open approximately one (1) inch. Rotate the shotgun and view the side ejection port. The bright brass base of the chambered cartridge should be exposed. Close the action and the shotgun is ready. The primary index finger is now placed on top of the safety button. To

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chamber check in low-light conditions the above procedures remain the same except that instead of viewing the side ejection port, the shooter must move the support hand down off the slide handle and feel inside the loading port with his finger.

#### 305.11.12 SHOTGUN AND MAGAZINE - UNLOADING

To unload the shotgun, keep the muzzle in a safe direction, safety "on." With the support hand on the slide handle and the support hand's little finger under the slide handle to act as a stop so as not to open the action completely, release the action by depressing the slide release with the primary index finger. Open the action until the support hand's little finger contacts the forward portion of the receiver. The round from the chamber will begin to be ejected and tilt out at this time. With the primary hand, remove the round from the chamber first.

To unload the magazine, maintain the grip on the slide handle and with the primary thumb, reach under the receiver and push up on the shell carrier to position the thumb behind the magazine feed-way. Draw the slide the rest of the way open and the first round from the magazine will mechanically eject into the primary thumb. To unload the remaining rounds from the magazine, keep the action open and depress the shell stop on the inside of the loading port. Finally, visually inspect the magazine and chamber to ensure that the weapon is clear.

If the shotgun is merely being downloaded after a radio call and is to be placed back in the police vehicle, only conduct the first portion of the unloading procedure and place the round from the chamber back into the magazine after closing the action. If the shotgun is to be completely unloaded even though there is no round in the chamber, the unloading procedures remain the same except for the actual removal of the round from the chamber.

#### 305.11.13 SHOTGUN HANDLING AND STORAGE PROCEDURES

Unless deployed, or during a tactical situation, personnel shall not carry the shotgun in or around a facility. At all other times while in the field, the shotgun shall be secured in the shotgun rack of the patrol vehicle. The exception is when a malfunction occurs.

When deploying the shotgun from a "patrol ready condition," (the condition which it is locked in the police car for the majority of the watch--magazine full, chamber clear, and safety "on"), the port arms position is utilized. In this position, the officer's primary hand index finger should be on properly indexed high on the receiver, and the support hand should be on the slide handle. If a round is already chambered,

the primary hand index finger (trigger finger) is placed on top of the safety button.

When armed with the shotgun, Officers must maintain a reasonable and safe distance from a suspect. In doing so, the temptation for the suspect to grab the shotgun is reduced. Officers are also cautioned against using the shotgun in any fashion as a striking implement, as the likelihood of an accidental discharge occurring is significantly increased. In addition, chances are great that the weapon would be rendered inoperable at a very critical time.

#### 305.11.14 SHOTGUN MALFUNCTIONS

Officers experiencing a malfunction of their shotgun in a field situation should put the safety "on" and immediately advise the Watch Commander's Office. The Officer shall transport the weapon

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to the issuing storage facility in the trunk of the police vehicle as soon as practical. The shotgun will be turned in to the Armorer with a description of the malfunction. Officers shall not attempt to unload or repair the weapon.

## Vehicle Pursuits

### 306.1 PURPOSE AND SCOPE

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

#### 306.1.1 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.

### 306.2 OFFICER RESPONSIBILITIES

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

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

#### 306.2.1 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.

#### 306.2.2 WHEN NOT TO INITIATE A PURSUIT

Officers are NOT authorized to initiate a pursuit when:

- (a) The offense is for misdemeanor suspects or felony suspects for property crimes only unless the suspect is believed to be armed with a firearm or could pose an imminent public safety threat if not apprehended.

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- (b) A pursuit is based only on an infraction, misdemeanor evading (including failure to yield), or reckless driving in response to enforcement action taken by Department personnel and no other criminal elements are known.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) The importance of protecting the public and balancing the known or reasonably suspected serious offense and the apparent need for immediate capture against the risks to police, innocent motorists and others.
- (b) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
- (c) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.
- (d) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (e) Pursuing officer's 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 police under the conditions of the pursuit.
- (f) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (g) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Vehicle speeds.
- (i) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (j) Availability of other resources such as helicopter assistance.
- (k) The police unit is carrying passengers other than police. Pursuits should not be undertaken with a prisoner or other non-law enforcement occupants in the police vehicle.

#### 306.2.3 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.

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.

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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.

#### **306.2.4 SPEED LIMITS**

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

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

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

#### **306.3 PURSUIT UNITS**

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

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

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

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##### 306.3.1 MOTORCYCLE OFFICERS

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

##### 306.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

##### 306.3.3 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.

##### 306.3.4 SECONDARY UNIT RESPONSIBILITIES

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

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

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- (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.

#### 306.3.5 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.

#### 306.3.6 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.

#### 306.3.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the

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pursuit. Overall control of the pursuit shall remain with the primary ground unit and the ground supervisor.

#### 306.3.8 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.

#### **306.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

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

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

- (a) Declare themselves as having in-field operational oversight on any pursuit by advising the communications dispatcher via voice-broadcast over the radio that they are "MONITORING" even if they are not engaged in it.
- (b) Upon becoming aware of a pursuit, the in field supervisor shall immediately evaluate and/or intervene by:
  - (a) Ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department Policy and training.
  - (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
  - (c) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
  - (d) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
  - (e) Ensuring that aircraft are requested if available.
  - (f) Ensuring that the proper radio channel is being used.
  - (g) Ensuring the notification and/or coordination of outside agencies.
  - (h) Controlling and managing LASPD units when a pursuit enters another jurisdiction.
  - (i) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

#### 306.4.1 WATCH SERGEANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Sergeant shall monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and

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requirements of this policy. Once notified, the Watch Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Watch Sergeant shall be responsible for:

- (a) Ensuring that aircraft are requested if available.
- (b) Ensuring that the proper radio channel is being used.
- (c) Ensuring the notification and/or coordination of outside agencies.

Upon the "Monitoring" supervisor's investigation and completion of all pertinent reports, to include the Department's Administrative Review Form, he/she shall forward them to the "Monitoring" supervisor's Commanding Officer.

#### **306.5 THE COMMUNICATIONS CENTER**

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

##### **306.5.1 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 Sergeant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

##### **306.5.2 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.

#### **306.6 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 Watch Sergeant ensure

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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.

#### **306.6.1 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 LASPD 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.

#### **306.6.2 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 LASPD, 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 Sergeant should review a request for assistance from another agency. The Watch Sergeant or supervisor, after considering the above factors, may decline to assist in, or assume the other agency's pursuit.

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

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

#### **306.7 PURSUIT INTERVENTION**

Currently no Department personnel are authorized to use or apply any pursuit intervention tactics.

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A pursuit intervention tactic is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

Nothing in this policy would prevent an officer from using deadly force to protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

#### **306.7.1 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon. (See section 300.4.1)

#### **306.7.2 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.

#### **306.8 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 Sergeant 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 Sergeant 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.

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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.

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.

#### **306.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

The Training Sergeant shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

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

#### **306.8.2 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.

#### **306.9 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.

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#### **306.10 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

### 307.1 PURPOSE AND SCOPE

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

### 307.2 RESPONSE TO CALLS

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

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

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

An emergency exists when one or more of the following elements are present:

- A serious public hazard;
- An immediate pursuit;
- The preservation of life;
- A serious crime in progress;
- The prevention of a serious crime; and,
- Officer requests another unit "Code-3";
- Officer initiates a "Code-3" response based on a spontaneous incident requiring an emergency response.

### 307.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify the Communications Center.

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

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

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- The number of units required.
- Direction of approach.

#### **307.4 INITIATING CODE 3 RESPONSE**

-Any on duty sworn employee may self-initiate a "Code 3" response to any emergency. An emergency exists when one or more of the following elements are present:

- A serious public hazard;
- An immediate pursuit;
- The preservation of life;
- A serious crime in progress;
- The prevention of a serious crime; and,
- Officer requests another unit "Code-Three."
- Officer initiates a "Code Three" response based on a spontaneous incident requiring an emergency response

Absent exigent circumstances, and in consideration of emergency radio traffic, officers responding "Code-3" shall notify Communications Division of their "Code-3" response and their starting point. Should another officer believe a "Code-3" response is appropriate, the Communications Center shall be notified and the Watch Sergeant or field supervisor will make a determination as to whether one or more officers responding "Code-3" is appropriate. Absent the ability to broadcast, each officer that self-initiates a "Code-3" response shall ensure that their response is either logged into the Call for Service (CFS) or telephonically notify the Watch Sergeant as soon as practical upon conclusion of the emergency.

#### **307.5 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. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

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

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

#### **307.6 COMMUNICATIONS RESPONSIBILITIES**

A dispatcher shall assign a Code-3 response when an emergency situation as defined in section 307.2 of this policy without needing supervisory approval. In all other circumstances,

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the dispatcher shall obtain authorization from the Watch Sergeant 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 Sergeant
- (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 Sergeant or field supervisor

#### **307.7 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, the Watch Sergeant 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

**FIELD SUPERVISOR RESPONSIBILITY** - An available on-duty field supervisor shall declare themselves as having in-field operational oversight of any pursuit or self-initiated Code-3 response by advising the communications dispatcher via voice-broadcast over the radio that they are "monitoring." The "monitoring" supervisor shall evaluate the appropriateness of officers' requests and the Code-3 response of other units. Absent a Watch Sergeant's direction, the in-field supervisor "monitoring" the self-initiated Code Three run or pursuit shall immediately intervene when necessary to coordinate the response of sufficient units, minimize the risk to officers and the public, and ensure that available resources are not unnecessarily depleted.

Upon the broadcast of a "Code Four," supervisors shall evaluate continued responses for appropriateness. In addition, supervisors shall direct units back into service as applicable.

**WATCH SERGEANT RESPONSIBILITY** – Watch Sergeant shall immediately take "Administrative Control" of any pursuit or self-initiated Code-3 run and intervene when necessary to coordinate the response of sufficient resources (units, K-9, Air support, etc.), minimize the risk to officers and the public, and ensure that available resources are not unnecessarily depleted.

**NOTE: IN ALL CASES, THE ON-DUTY WATCH SERGEANT (COMMUNICATIONS DIVISION WATCH COMMANDER'S OFFICE) HAS ULTIMATE AUTHORITY OVER CODE-3 AND PURSUIT DISCONTINUANCE.**

Units that do not respond Code Three shall obey all traffic laws.

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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 Sergeant 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

#### **307.8 FAILURE OF EMERGENCY EQUIPMENT**

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

## Domestic Violence

### 308.1 PURPOSE AND SCOPE

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

#### 308.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 308.2 POLICY

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

### 308.3 OFFICER SAFETY

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

### 308.4 INVESTIGATIONS

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

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

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations 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.

#### 308.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

#### 308.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

#### **308.5 VICTIM ASSISTANCE**

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

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

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

#### **308.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

#### **308.7 FOREIGN COURT ORDERS**

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

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

#### **308.8 VERIFICATION OF COURT ORDERS**

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

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

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

#### **308.9 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

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

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#### **308.10 REPORTS AND RECORDS**

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

#### **308.11 SERVICE OF COURT ORDERS**

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

#### **308.12 PUBLIC ACCESS TO POLICY**

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

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#### **308.13 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).

## Search and Seizure

### 309.1 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 LASPD personnel to consider when dealing with search and seizure issues.

### 309.2 POLICY

It is the policy of the LASPD 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.

### 309.3 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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#### **309.4 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.

#### **309.5 DOCUMENTATION**

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

## Temporary Custody of Juveniles

### 310.1 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 LASPD (34 USC § 11133).

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

#### 310.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

#### **310.2 POLICY**

The LASPD 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 local county or municipal law enforcement facility. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

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

Juveniles who exhibit any of the following conditions should not be held at the local county or municipal law enforcement facility:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the local county or municipal law enforcement facility 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 local county or municipal law enforcement facility 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).

Any juvenile offender who is eligible and qualifies for referral to the LASPD Juvenile Arrest Diversion Program and that such a disposition is appropriate for the specific case, the juvenile offender should be referred using the departments Juvenile Arrest Diversion procedure. See LASPD SOP # 117.

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

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

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

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

#### **310.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the local county or municipal law enforcement facility 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 local county or municipal law enforcement facility without authorization of the arresting officer's supervisor and the local county or municipal law enforcement facility 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 local county or municipal law enforcement facility (34 USC § 11133; Welfare and Institutions Code § 207.1).

#### **310.4.1 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 local county or municipal law enforcement facility. 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).

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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).

#### 310.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

#### 310.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the local county or municipal law enforcement facility 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 local county or municipal law enforcement facility.
- (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).

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

#### **310.5 ADVISEMENTS**

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

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

#### **310.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the local county or municipal law enforcement facility, 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 local county or municipal law enforcement facility or the LASPD (15 CCR 1150).
- (c) Local county or municipal law enforcement facility 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).

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- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The local county or municipal law enforcement facility 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.

#### **310.7 NO-CONTACT REQUIREMENTS**

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

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the LASPD (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).

#### **310.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the local county or municipal law enforcement facility shall ensure the following:

- (a) The local county or municipal law enforcement facility Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the local county or municipal law enforcement facility for more than four hours. This will enable the local county or municipal law enforcement facility Watch Commander to ensure no juvenile is held at the county or municipal law enforcement facility 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)
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

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- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR 1143).
- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) 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).

#### **310.9 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the local county or municipal law enforcement facility 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 property should be kept in a monitored or secure location until the juvenile is released from the custody of the local county or municipal law enforcement facility.

#### **310.10 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 Sergeant approval is required before placing a juvenile offender in secure custody.

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

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

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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).

#### **310.10.1 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 the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

#### **310.11 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.

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Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel 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.

#### 310.11.1 MANDATORY RECORDINGS OF JUVENILES

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

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

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

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

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##### **310.12 FORMAL BOOKING**

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the local county or municipal law enforcement facility Watch Commander.

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the local county or municipal law enforcement facility Watch Commander or Investigations Division supervisor or the LASPD Watch Sergeant, 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

##### **310.13 RELEASE OF INFORMATION CONCERNING JUVENILES**

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

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the LASPD 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 Administrative Services Division Commanding Officer and the appropriate Criminal Investigations Section supervisors to ensure that personnel of those bureaus act within legal guidelines.

##### **310.14 RELIGIOUS ACCOMMODATION**

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

##### **310.15 CITATION OF NON-DETAINED MINORS AND THE MINOR'S PARENT(S) OR GUARDIAN**

When citing non-detained minors to delinquency court, Officers will cite all non-detained minors to the appropriate court when the investigation is complete.

Note: If a minor is on a 602 W.I.C. probation grant, the citation for a criminal offense should always be to the delinquency court even if the offense falls within the traffic court jurisdiction.

Additionally, if some offenses out of the same arrest belong in delinquency court and other offenses belong in traffic court, all offenses should be sent to the delinquency court so as to avoid dismissal of the delinquency case due to a claim of multiple prosecution.

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In citations for delinquency court, Officers shall issue a separate citation to the minor's parent(s) or guardian for the same court, unless the minor's citation has room to fully identify the parent(s) or guardian for purposes of a later issuance of a warrant for non-appearance. The issuance of a citation to the parents(s) or guardian of the minor is mandatory for delinquency court citations under the law.

A warrant will not be issued by the court for a minor's failure to appear if the parent or guardian have not been cited. However, a warrant may still be issued for the non-appearance of either the parent or the minor provided that the peace officer submits to the court an affidavit signed under the penalty of perjury stating facts sufficient to establish that all reasonable efforts to locate said minor or parent have failed or that said minor or parent has willfully evaded service of such a citation.

Special Note: This procedure does not apply to non-detained minors within LAPD's jurisdiction, as this procedure is considered to be a Detective function.

#### **310.16 CITATION OF NON-DETAINED MINORS-APPEARANCE DATE**

Citations of all no-detained minors to delinquency court will have an appearance date 60 (sixty) calendar days after the citation is issued. If the 60th day is a non-court day, Officers will cite the minor to the next available court date (Department issued court date books meet the 60 (sixty) day requirement).

Officers will ensure that all co-minors are cited for the same court date unless the citations are issued on different dates. In this situation, subsequent citation(s) should reference the proceeding citations with the minor's name and court date.

#### **310.17 TRAINING**

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

## Senior and Disability Victimization

### 311.1 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 LASPD members as required by law (Penal Code § 368.6).

The LASPD is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

#### 311.1.1 DEFINITIONS

Definitions related to this policy include:

**Abuse of an elder (age 65 or older) or dependent adult** - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

**Department protocols (or protocols)** - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

**Dependent adult** - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

**Elder and dependent adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

**Senior and disability victimization** - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability
- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities

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- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

#### **311.2 POLICY**

The LASPD will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

#### **311.3 INVESTIGATIONS AND REPORTING**

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.

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- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
  - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
  - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
  - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
  - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c) (18)).

#### **311.4 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).

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#### **311.5 MANDATORY NOTIFICATION**

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

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

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

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
  1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
  4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
- (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

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- (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
  - 1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigations 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).

Failure to report, or impeding or inhibiting a report of abuse of an elder or dependent adult, is a misdemeanor (Welfare and Institutions Code §15630(h)).

#### 311.5.1 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.

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#### **311.6 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.

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.

##### **311.6.1 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)).

#### **311.7 INTERVIEWS**

##### **311.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

##### **311.7.2 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:

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- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

#### **311.8 MEDICAL EXAMINATIONS**

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

#### **311.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

##### **311.9.1 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigations Division supervisor so an interagency response can begin.

##### **311.9.2 SUPERVISOR RESPONSIBILITIES**

The Investigations 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 elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

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

#### **311.10 TRAINING**

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

#### **311.11 RECORDS BUREAU RESPONSIBILITIES**

The Records Unit is responsible for:

- (a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- (b) Retaining the original elder or dependent adult abuse report with the initial case file.

#### **311.12 JURISDICTION**

The LASPD has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

#### **311.13 RELEVANT STATUTES**

##### **Penal Code § 288 (a) and Penal Code § 288 (b)(2)**

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(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

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

#### **Penal Code § 368 (c)**

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

#### **Penal Code § 368 (f)**

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

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

#### **Welfare and Institutions Code § 15610.05**

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

#### **Welfare and Institutions Code § 15610.06**

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

#### **Welfare and Institutions Code § 15610.30**

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

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

#### **Welfare and Institutions Code § 15610.43**

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

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physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

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

#### **Welfare and Institutions Code § 15610.57**

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

#### **Welfare and Institutions Code § 15610.63**

"Physical abuse" means any of the following:

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

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1. Sexual battery, as defined in Section 243.4 of the Penal Code.
  2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
  3. Rape in concert, as described in Section 264.1 of the Penal Code.
  4. Incest, as defined in Section 285 of the Penal Code.
  5. Sodomy, as defined in Section 286 of the Penal Code.
  6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
  7. Sexual penetration, as defined in Section 289 of the Penal Code.
  8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
1. For punishment.
  2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
  3. For any purpose not authorized by the physician and surgeon.

## Discriminatory Harassment

### 312.1 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.

#### 312.1.1 LAUSD BULLETIN 1893.1 SEXUAL HARASSMENT

LASPD personnel shall adhere to the LAUSD Bulletin on Sexual Harassment.

### 312.2 POLICY

The LASPD 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.

### 312.3 DEFINITIONS

Definitions related to this policy include:

#### 312.3.1 DISCRIMINATION

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

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

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

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#### 312.3.2 SEXUAL HARASSMENT

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

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

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

#### 312.3.3 ADDITIONAL CONSIDERATIONS

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

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

#### 312.3.4 SERVICE COMMITMENT TO STUDENTS WITH DISABILITIES--DISTRICT'S POLICY STATEMENT FOR ALL DISTRICT EMPLOYEES

Board of Education acknowledges and recognizes that it has a legal responsibility to comply with the law and has an educational responsibility to provide a learning environment free from discriminatory hostility.

All employees will conduct themselves in the course of their employment by word, gesture, act, and demeanor so as to ensure that all students will be accorded just and equitable regard and treatment. Hostility in any form toward students on the basis of their disabilities is unacceptable, unethical, and shall not be tolerated. Any violation of this policy will be investigated and subject to disciplinary action.

Hostile environments include, but are not limited to, the creation and designation of labels and verbal, visual, or physical conduct which evidence a lack of acceptance or an inability or unwillingness to serve or accommodate students due to their disability.

#### 312.3.5 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination,

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participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### **312.4 RESPONSIBILITIES**

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

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

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

##### **312.4.1 SUPERVISOR RESPONSIBILITIES**

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

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

##### **312.4.2 SUPERVISOR'S ROLE**

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

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- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

#### 312.4.3 QUESTIONS OR CLARIFICATION

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

#### 312.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

##### 312.5.1 SUPERVISOR RESOLUTION

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

##### 312.5.2 FORMAL INVESTIGATION

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

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

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

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

#### 312.5.3 ALTERNATIVE COMPLAINT PROCESS

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

#### 312.6 DOCUMENTATION OF COMPLAINTS

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

- (a) Approved by the Chief of Police, the Superintendent, or the Personnel Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the department's established records retention schedule.

#### 312.6.1 NOTIFICATION OF DISPOSITION

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

#### 312.7 TRAINING

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

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

#### 312.7.1 STATE-REQUIRED TRAINING

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

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

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

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

#### 312.7.2 TRAINING RECORDS

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

#### **312.8 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

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when LASPD members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

#### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

#### 313.1.2 CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS

All LASPD personnel shall adhere to LAUSD BULLETIN 1347.1 Child Abuse and Neglect Reporting Requirements.

### 313.2 POLICY

Pursuant to Penal Code § 11165.9, the LASPD is NOT defined as a "child protective agency". All employees of this Department are mandated reporters of suspected child abuse and are responsible for the proper completion of a Suspected Child Abuse Report (SCAR). Any employee who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and complete a Suspected Child Abuse Report (SCAR).

Employees of the LASPD will ensure that all incidents of alleged child abuse are reported and that CPS is notified as required by law. Employees who are unable to verify a SCAR has been taken by another mandated reporter, shall complete a SCAR.

### 313.3 OUTSIDE JURISDICTIONAL REPORTING

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 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)

### 313.8 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.

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Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
  - 1. The child has an immediate need for medical care.
  - 2. The child is in immediate danger of physical or sexual abuse.
  - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
  - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  - 2. There is no lawful custodian available to take custody of the child.
  - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
  - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

#### **313.9 INTERVIEWS**

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##### 313.9.1 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.

##### 313.9.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  1. A reasonable belief that medical issues of the child need to be addressed immediately.
  2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

##### 313.9.3 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).

#### **313.10 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

##### 313.10.1 RELEASE OF REPORTS

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

##### 313.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal

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Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

#### 313.10.3 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).

#### **313.11 TRAINING**

The Department should provide training on best practices in reports of child abuse and the responsibilities of all mandated reporters tasked with completing Suspected Child Abuse Reports (SCAR).

## Public Alerts

### 314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 314.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 314.3 RESPONSIBILITIES

#### 314.3.1 MEMBER RESPONSIBILITIES

Members of the LASPD should notify their supervisor, Watch Sergeant, or Investigations 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.

#### 314.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Commanding Officer 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 Commanding Officer

### 314.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

#### 314.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

#### **314.4.2 PROCEDURE FOR AMBER ALERT**

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
  - 1. The child's identity, age and description
  - 2. Photograph if available
  - 3. The suspect's identity, age and description, if known
  - 4. Pertinent vehicle description
  - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
  - 1. The local FBI office
  - 2. National Center for Missing and Exploited Children (NCMEC)

#### **314.5 BLUE ALERTS**

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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##### **314.5.1 CRITERIA FOR BLUE ALERTS**

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

##### **314.5.2 PROCEDURE FOR BLUE ALERT**

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
  - 1. The license number and/or any other available description or photograph of the vehicle
  - 2. Photograph, description and/or identification of the suspect
  - 3. The suspect's identity, age and description, if known
  - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
  - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
  - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
  - 2. The FBI local office

##### **314.6 SILVER ALERTS**

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

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##### 314.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

##### 314.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

#### **314.7 MUTUAL AID**

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Sergeant or Investigations Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Watch Sergeant of the incident and the request for assistance. The Watch Sergeant 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 Sergeant.
- (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 LASPD shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

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#### **314.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES**

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

##### 314.8.1 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

##### 314.8.2 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

## Victim and Witness Assistance

### 315.1 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.

### 315.2 POLICY

The LASPD is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the LASPD will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 315.3 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.

#### 315.3.1 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).

### 315.4 VICTIM INFORMATION

The Administrative Services 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)).

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- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

#### **315.5 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.

#### **315.6 IDENTIFICATION OF SUSPECT(S) IN THE FIELD-WITNESS ADMONISHMENT**

An Officer who intends to conduct a field confrontation for the purposes of identifying a suspect as the perpetrator of a particular crime or for the purposes of elimination of the suspect as a possible perpetrator should adhere to the following:

- A. The suspect should not be transported to the location of the witness. The victim, however, may be transported to the location of the suspect. If the victim is severely injured or for some other reason it is impractical to transport the victim, then the suspect may be transported. This should be explicitly noted in any reports concerning the incident.
- B. The witness shall be read the "Witness Admonishment" prior to being confronted with the suspect.

## Hate Crimes

### 316.1 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.

### 316.2 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 LASPD 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).

#### 316.2.1 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.

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**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender** - Gender means sex and includes a person's gender identity and gender expression.

**Gender expression** -Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

**Gender identity** - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:

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1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

**In whole or in part** - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality means country of origin, immigration status, including citizenship, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

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**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

### **316.3 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.

#### **316.3.1 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.

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Cultural diversity education and immersion programs (if available) could facilitate this process.

- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.
- (i) Coordinating with the Training Sergeant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.
- (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.

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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.

#### 316.3.2 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.

#### **316.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP**

##### 316.4.1 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:

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- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
  - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
  - 1. Hate literature.
  - 2. Spray paint cans.
  - 3. Threatening letters.
  - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
  - 1. Identity of suspected perpetrators.
  - 2. Identity of witnesses, including those no longer at the scene.
  - 3. The offer of victim confidentiality per Government Code § 7923.615.
  - 4. Prior occurrences in this area or with this victim.
  - 5. Statements made by suspects; exact wording is critical.
  - 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

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- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

#### 316.4.2 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.

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- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
  - 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
  - 2. Provide ongoing information to victims about the status of the criminal investigation.
  - 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

#### 316.4.3 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.

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- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

#### **316.5 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.

#### **316.6 APPENDIX**

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

## Standards of Conduct

### 317.1 POLICY

The continued employment or appointment of every member of the LASPD 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.

### 317.2 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 317.2.1 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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

#### 317.2.2 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.

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- (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.

#### **317.3 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.

#### **317.4 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:

##### **317.4.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or District manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

##### **317.4.2 ETHICS**

- (a) Using or disclosing one's status as a member of the LASPD in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

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- (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.

#### 317.4.3 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.

#### 317.4.4 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).

#### 317.4.5 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.

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##### 317.4.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
  - (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

##### 317.4.7 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 Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

##### 317.4.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

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

#### 317.4.9 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 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.

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- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the District.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

#### 317.4.10 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.
- (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.

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- (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.

#### **317.5 REPORTS**

All reports shall be factual and submitted in a timely manner.

#### **317.6 INCURRING FINANCIAL LIABILITY AGAINST THE DISTRICT**

No Officer shall incur a financial liability chargeable against the Department or District, without proper authorization.

## Information Technology Use

### 318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

#### 318.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the LASPD that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

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

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

### 318.2 POLICY

It is the policy of the LASPD 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.

### 318.3 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

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may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### **318.4 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 Sergeants.

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.

##### **318.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or District-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **318.4.2 HARDWARE**

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

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##### **318.4.3 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.

##### **318.4.4 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.

#### **318.5 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.

#### **318.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

## Report Preparation

### 319.1 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.

#### 319.1.1 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.

### 319.2 REQUIRED REPORTING

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

#### 319.2.1 CRIMINAL ACTIVITY

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

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

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

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

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

#### 319.2.2 NON-CRIMINAL ACTIVITY

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

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

#### 319.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 327 Death Investigations.

Note: The LASPD does not conduct death investigations; however, initial responding officers may encounter cases involving death, including those ranging from natural cause to homicide. In those cases, the local county or municipal law enforcement agencies and or the coroner shall be contacted immediately to conduct the death investigation.

The responding officer should notify and apprise a supervisor of the circumstances surrounding the incident. The following cases shall be investigated by the local county or municipal law enforcement agency and or coroner:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.

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- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

#### **319.2.4 INJURY OR DAMAGE BY DISTRICT PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a District employee. Additionally, reports shall be taken involving damage to District property or District equipment.

#### **319.2.5 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.

#### **319.2.6 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).

### **319.3 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.

#### **319.3.1 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.

#### **319.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

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#### **319.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the original report 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.

#### **319.5 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.

#### **319.6 SCHOOL POLICE DEPARTMENT REPORT (SPD) NUMBER-PROCEDURE**

The Department has a sequential report numbering system known as an "S.P.D. Number." All reports "crime, arrests, etc." will require an S.P.D. Number.

Upon completing a Department report (i.e., crime, arrest, employee report, etc.), an officer shall obtain an S.P.D. Number by using his Mobile Data Computer (M.D.C.), use of the appropriate radio frequency or as a last resort by calling the Communication Division.

When subsequent reports are generated (i.e., arrest, follow-up, etc.), the reporting Officer is to use the same S.P.D. Number as issued on the original report. In order for an S.P.D. Number to be canceled, an employee shall submit a memorandum to the Records Management Unit requesting a cancelation and the reason for the request (i.e., duplicate S.P.D. Number etc.).

#### **319.7 CRIME REPORT STATISTICAL FORM**

A completed Crime Report Statistical Form or an "Stat Sheet" must be submitted with each report (Crime, Arrest, Employee Report, Injury, Lost Property, Vehicle Investigation, Reports). The statistical form must be approved by the appropriate supervisor and forwarded to the Records Management Unit with the report.

#### **319.8 CRIME REPORTS - DUE DATES**

All crimes / arrest reports are to be completed and submitted to the Department on the date of notification by the reporting officer and forwarded to his supervisor. An exception to this rule would be property crimes with no suspects, reported to officers in the last hour of their shift and all parties will be present the next day so the report can be completed. If there are any questions if a report should be taken, contact your supervisor or the Watch Sergeant.

#### **319.9 CRIME REPORT SUBMISSION**

In addition to submitting all completed crime / arrest reports to their supervisors, all reports are to be submitted to the Records Management Unit using the secure Laserfiche scanners available at all LASPD Divisions. Employees scanning reports taken within their division, shall submit the reports using the **IN-DIVISION** method by selecting #1 on the scanner. Reports that are taken outside of the respective LASPD Division being scanned from shall scan using

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the **OUTSIDEDIVISION** method by selecting **#3**. Press the same button **#1** or **#3** again to submit the the LASPD RMU.

See attachment: [LASERFICHE Scan Instructions.pdf](#)

## Media Relations

### 320.1 PURPOSE AND SCOPE

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

### 320.2 RESPONSIBILITIES

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

#### 320.2.1 MEDIA REQUEST

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

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

### 320.3 MEDIA ACCESS

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

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

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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 TFR should be routed through the Watch Sergeant. 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.

#### 320.3.1 PROVIDING ADVANCE INFORMATION

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

#### 320.3.2 CRITICAL OPERATIONS

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

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#### **320.4 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 Sergeant. 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
- (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 Sergeant (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 Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

#### **320.4.1 RESTRICTED INFORMATION**

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

#### **320.5 POLICY**

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

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#### **320.6 PROVIDING ADVANCE INFORMATION**

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

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

#### **320.7 MEDIA REQUESTS**

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

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

#### **320.8 CONFIDENTIAL OR RESTRICTED INFORMATION**

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

##### **320.8.1 EMPLOYEE INFORMATION**

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

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

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

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#### **320.9 RELEASE OF INFORMATION**

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

##### **320.9.1 INFORMATION LOG**

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

The daily information log will generally include:

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

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

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

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

## Subpoenas and Court Appearances

### 321.1 PURPOSE AND SCOPE

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

#### 321.1.1 MANDATORY APPEARANCE (BE IN COURT) SUBPOENAS

In the case of a mandatory appearance (Be In Court) subpoena, the employee shall appear at the designated place and time, properly dressed and be fully prepared to effectively provide testimony and present evidence. If a conflict arises after the receipt of a subpoena, i.e., two subpoenas for the same date or two different courts for the same date, vacation, etc., it shall be the employee's responsibility to notify the Court Liaison Clerk as soon as possible.

- (a) Employees should not contact the District or City Attorney and request to be placed "On-Call." A LASPD Detective or Supervisor that is familiar with the case may request "On-Call" status for the employee(s) if necessary. Employees shall end their court appearance as soon as:
1. They are advised by the case prosecutor or court that they are no longer needed;
  2. The case is completed; or
  3. There is a disposition (whichever occurs first).

#### 321.1.2 ON-CALL SUBPOENAS

The LASPD Court Liaison Clerk will notify the employee(s), by use of the LASPD's e-mail system, that he/she is "On-Call." Employee(s) must be able to respond to the appropriate court within two hours of being summoned.

An employee shall provide, to the District or City Attorney that issued the subpoena, a valid telephone number where he/she can be contacted if required for court. It shall be the responsibility of the LASPD Court Liaison Clerk to notify employees when they are no longer "On-Call" or called off from court. If the "On-Call" employee does not receive notification from the LASPD Court Liaison Clerk changing his/her status, the employee is to assume that he/she is still "On-Call". The LASPD Court Liaison Clerk is to be diligent in attempts to notify the "On-Call" employee of any cancellations. If the employee is notified by the court or Investigating Officer (IO) that they are no longer "On-Call" the employee should notify the LASPD Court Liaison Clerk and is relieved from the "On-Call" status.

Employees should not contact the District or City Attorney and request to be placed "On-Call". A LASPD Detective or Supervisor that is familiar with the case may request "On-Call" status for employee(s) if necessary.

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##### 321.1.3 CONTACT MEASURES

The primary contact for Department employees for subpoena notification is the LASPD e-mail system. Although the Department recognizes technical or mechanical failure beyond the employee's control, this excuse is not on its face, justification for failing to respond to the e-mail. Therefore, each incident involving a failure to respond to an e-mail subpoena shall be considered on a case-by-case basis.

##### 321.1.4 ELECTRONIC SUBPOENA SYSTEM

The LASPD utilizes the electronic subpoena system (commonly called e-Subpoena) to deliver and track court issued subpoenas for all LASPD personnel.

##### 321.1.5 ELECTRONIC E-MAIL DISTRIBUTION AND SERVICE

Most subpoenas issued by the District Attorney's Office or other prosecuting agency will be electronically delivered to the Department's Electronic Subpoena System (e-Subpoena). When an employee opens his/her Department electronic mail (e-mail) containing an electronic subpoena, logs into the e-Subpoena website and opens the subpoena, this constitutes acknowledgment of service and receipt of the subpoena. Electronic subpoenas convey the same responsibilities as a personally served (paper) subpoena. The e-Subpoena System will document the service of subpoenas. The following personnel shall have access to the LASPD e-Subpoena System based on the assignment and or area of responsibility (e.g., supervision, case management, etc.) and will be able to monitor the issuance and service of electronic subpoenas:

- (a) Deputy Chiefs.
- (b) Lieutenants.
- (c) Sergeants.
- (d) Detectives.
- (e) LASPD Court Liaison Clerk.

##### 321.1.6 SUBPOENA CANCELLATIONS

If it is determined that an employee is not needed for a court proceeding and the employee can be canceled, the LASPD Court Liaison Clerk shall change the status of the Electronic Subpoena to "called-off" and cause a notification to be sent to the employee via the e-Subpoena System. Subpoena cancellations will be delivered to employees in the same manner as electronic subpoenas.

- (a) Employees are required to open and acknowledge electronic subpoena cancellations in the same manner as required by the original subpoena.
- (b) An employee opening and acknowledging the electronic subpoena cancellation constitutes service of the cancellation to that employee and supersedes the sent subpoena.

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##### 321.1.7 CIVILIAN WITNESS (NON-EMPLOYEES) SUBPOENA SERVICE

The Department receives numerous subpoenas for civilians (e.g., victims, witnesses, etc.) monthly. In order to efficiently serve these civilian witnesses with subpoenas, the assigned Detective should ensure the civilians involved in the cases are served, or the LASPD Court Liaison Clerk shall mail, via certified mail, the subpoena to the witnesses in misdemeanor and civil cases. In some instances, officers may be required to serve civilians with subpoenas.

##### **321.2 POLICY**

LASPD members will respond appropriately to all subpoenas and any other court-ordered appearances.

##### 321.2.1 PRIORITY OF SUBPOENAS

If an employee receives more than one subpoena for a given court date, the employee will respond to the appropriate court in the following order:

- (a) Federal Court.
- (b) Juvenile Court.
- (c) Superior Court.
- (d) Municipal Court.
- (e) Superior/Municipal Court civil cases.
- (f) Hearings (depositions, probation, Department of Motor Vehicles, etc.).

If an employee discovers that he/she has been scheduled for two different court appearances at the same time, he/she shall promptly notify the LASPD Court Liaison Clerk of the conflict.

If an employee responds to court off-duty on multiple subpoenas, that employee shall receive compensation from the time of the earliest subpoena to the conclusion of the last case. There will be no compensation for overlapping subpoenas.

However, if the employee responds to a subpoena during the court's morning session (0830 hours - 1200 hours) and responds to a different subpoena during the afternoon session (1300 hours - closing), then two overtime claims will be approved, providing there is no overlap.

- Employees shall be compensated for their appearance for actual time spent or four hours, whichever is greater, as outlined in the applicable Collective Bargaining Agreement.

##### 321.2.2 MILITARY AND MATERNITY LEAVE

Employees shall notify their supervisor of an impending maternity or military leave as soon as possible, indicating the start and anticipated return dates of said leave. An employee shall forward to his Commanding Officer a copy of the LAUSD Leave of Absence Form and supporting documentation as applicable (e.g., military orders, etc.) so that this information may be provided, when necessary, to the appropriate court. In addition, a copy shall be forwarded to the LASPD Court Liaison Clerk.

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#### 321.2.3 ON DUTY INJURIES

An employee on an injured on duty status shall notify, or cause to be notified, the LASPD Court Liaison Clerk and his Commanding Officer immediately. The employee will be required to attend all court appearances if he is physically capable of attending. The employee's treating physician shall be the deciding factor on the employee's ability to attend court.

#### 321.2.4 SICK FOR COURT

If the named employee is unable to appear in court as directed by a previously served subpoena, due to illness or injury, he/she shall notify the Watch Sergeant. The employee must comply with any request from the court or the Department regarding proof of illness.

#### 321.2.5 PRE-APPROVED LEAVE: TRAINING AND VACATION

Training or vacation does not excuse an employee from appearing in court. An employee shall coordinate with the LASPD Court Liaison Clerk to determine if he must appear in court while attending pre-approved vacation, school, or training. To seek a formal excuse from a court appearance, the employee must first notify the Court Clerk of the conflict.

Absent a formal excuse, priority will be given to the subpoena and the employee SHALL APPEAR AS ORDERED. Only under extraordinary circumstances will the Department intervene to resolve any conflicts of this type.

### **321.3 SUBPOENAS**

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

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

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

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

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

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##### 321.3.1 SPECIAL NOTIFICATION REQUIREMENTS

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

- (a) Any civil case where the District or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (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 LASPD.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the LASPD.

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.

##### 321.3.2 CIVIL SUBPOENA

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

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

##### 321.3.3 OFF-DUTY RELATED SUBPOENAS

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

##### 321.3.4 SUMMONS AND COMPLAINT

A summons and complaint (unlike the subpoena) are intended to initiate a lawsuit by notifying a party defendant to that lawsuit that he has 30 days within which to respond by written pleadings in court to the complaint. Whereas, a person served with a subpoena, is simply a witness to the case.

Generally, LASPD employees served with a summons and complaint as defendants in a lawsuit will also involve the LAUSD as a defendant. If the employee was acting within the course and scope of his employment, he will be represented by the LAUSD's Office of General Counsel.

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An officer served with a summons and complaint involving his employment with the LAUSD shall be referred to the LAUSD Board Secretariat and the LAUSD Office of General Counsel.

#### 321.3.5 TYPES OF SERVICE OF SUMMONS AND COMPLAINT

Under California law (Code of Civil Procedure), there are several methods in which service of a summons and complaint may be affected. However, for the most part, there are only four types of service which will affect employees of the Department.

- (a) **PERSONAL SERVICE** - Which can be effected only by the process server personally delivering a copy of the summons and complaint to the individual who is named in the complaint (C.C.P. §415.10).
- (b) **SERVICE ON A PUBLIC ENTITY** - Such as the City, may be made by delivering a copy to the City Clerk. The Police Department is not a public entity for the purposes of accepting service of the process of this type (C.C.P. §416.50).
- (c) **SUBSTITUTED SERVICE** - On the person named in the complaint, if the personal service cannot with reasonable diligence be made, may be effected only by leaving a copy at the person's house or place of business with a person who is apparently in charge. This type of service must be followed up by mailing copies of the summons and complaint to the individual named therein (C.C.P. §415.30).
- (d) **NOTICE AND ACKNOWLEDGMENT OF SERVICE** - Which can be effected by mailing by First Class Mail, a copy of the summons and complaint to the person or corporation named in the complaint together with two copies of the form entitled "Notice and Acknowledgment of Receipt" and a return envelope, postage prepaid, addressed to the sender (C.C.P. §415.30).
  - 1. However, this service does not become effective until such time as the recipient actually signs the notice and returns it to the sender. If the recipient refuses to sign it, the sender must accomplish service by one of the other methods allowed under the Code of Civil Procedure.

Underlying all of the methods provided by law to effect service of summons and complaint, it is essential that the person served is named in the complaint. In order to determine if one is named in the complaint, it is necessary to look at the document entitled "Summons and Complaint" in the box labeled "Defendant" to see if one's name appears.

Where there are defendants indicated by names "Does I through V," for example there must also be an amended complaint in the documents served, which specifically gives a name to the Doe defendants upon whom service is desired. If the person is named in the amended complaint, then the service is effective.

#### 321.3.6 PROCEDURES FOR ACCEPTING SERVICE OF SUMMONS AND CIVIL COMPLAINTS

LASPD personnel shall follow LAUSD procedures for accepting service of summons and civil complaints as outlined in Bulletin 3489.0.

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##### **321.3.7 RESPONSIBILITIES WHEN RECEIVING A CIVIL SUBPOENA**

An employee who receives a civil subpoena shall treat it the same as a "Must Appear" subpoena. The Court Clerk will verify that the fees have been paid prior to causing the subpoena to be served. Any requests by an employee to be placed "On-Call" must be made through the attorney who issued the subpoena. If an employee is successful in his arrangements for "On-Call" status, he must notify the Court Clerk of the continuation date.

If an employee is ordered back to court by the judge, the employee shall make a notation on his/her subpoena and have the attorney who subpoenaed the employee sign the subpoena next to the notation.

Civil subpoenas will be compensated in the same manner as criminal subpoenas. If an employee is on-duty at the time of appearance in court, then the subpoena will be treated as a normal "Must Appear" subpoena. Upon receiving a civil subpoena or summons, the employee will immediately contact the Court Clerk.

##### **321.3.8 DEPOSITIONS**

A Notice of Deposition is in the same form and has the same effect as a subpoena. It is an order from a party in a civil action which is issued with the approval of the court. An employee who receives a Notice of Deposition will notify the LASPD Court Liaison Clerk as soon as practicable. If the case is non-criminal and the LASPD/LAUSD is not a party, a deposit is required to be made to the before the employee's appearance is mandatory. The notice should be treated as a "Must Appear" subpoena. The employee will be compensated for the appearance in the same manner as a "Must Appear" criminal subpoena.

##### **321.4 FAILURE TO APPEAR**

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

##### **321.5 STANDBY**

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

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

##### **321.5.1 COURT EVIDENCE**

In those court cases requiring that evidence be introduced, whenever possible, the employee who originally booked the evidence shall check out and return the evidence to the local county or municipal law enforcement facility. If the booking employee is not available, then the employee(s) designated on the subpoena shall be responsible for the evidence. When in doubt as to whom shall retrieve evidence for court, the handling detective shall be contacted prior to the court date.

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##### **321.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

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

##### **321.6.1 TESTIMONY**

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

##### **321.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

##### **321.8 EMPLOYEE RESPONSIBILITIES**

Employees (sworn and civilian) receiving subpoenas are subject to the same responsibilities as with a personal subpoena service. The employee will be considered personally served via e-mail and shall appear in court or be placed on-call for court, as directed by the subpoena. Employees subject to subpoena service shall:

- (a) Be required to have e-mail access.
- (b) Log on to the Department e-mail system at least once during each workday and open all subpoenas and subpoena cancellations. Preferably at the beginning or the end of the shift, whichever would ensure subpoena service that workday.
- (c) If, for any reason, an employee is unable to access his/her e-mail during a workday, the employee shall contact their supervisor or the LASPD Court Liaison Clerk and ensure that he/she is served with the subpoenas that have been sent to the e-mail account.
- (d) Immediately advise the LASPD Court Liaison Clerk and a supervisor if they do not have e-mail access.
- (e) Notify the LASPD Court Liaison Clerk if the District Attorney's Office or City Attorney's Office makes a direct notification of a change in the status of the court proceeding (e.g., placed on-call, excused, etc.) and provide the LASPD Court Liaison with the case number and the District Attorney's/City Attorney's name and contact information.
- (f) Comply with the procedures delineated in Policy Manual §§ 348.2.9 Military and Maternity Leave, 348.2.10 Injured on Duty, 348.2.11 Sick for Court, and 348.2.12 Pre-Approved Leave: Training Schools and Vacations.
- (g) Immediately notify the LASPD Court Liaison Clerk upon receiving a subpoena that was sent in error.

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- (h) Employees shall take note of the date, time and location of the ordered appearance and follow the directions detailed in the subpoena.

#### **321.8.1 SUPERVISOR RESPONSIBILITIES**

All Supervisors shall ensure their assigned employees do the following:

- (a) Employees check their e-mail at least once per workday.
- (b) Employees who are sent subpoenas within three working days of the court proceeding are appropriately notified.
- (c) New employees or employees who do not have e-mail access obtain access as soon as practicable.
- (d) Employees who, for any reason, are unable to access e-mail, may obtain assistance with subpoena service from the LASPD Court Liaison Clerk or a supervisor.

Watch Sergeant shall access LASPD Watch Commander e-mail to:

- (a) Review all subpoenas assigned for the day.
- (b) Create a call for service (CFS) to assign the court appearance to LASPD employees.

Training Unit Supervisor:

- (a) New employees and employees without e-mail access are able to obtain access as soon as practicable.
- (b) LASPD Court Liaison Section and alternates receive training on the subpoena system

Administrative Services Commanding Officer shall ensure the following:

- (a) Employees utilize the subpoena system and e-mail for the delivery, service, and cancellation of subpoenas.
- (b) Alternate LASPD Court Liaison Clerks and or supervisors are appropriately designated to obtain full access to the subpoena system during the absence of the LASPD Court Liaison Clerk (e.g., holidays, vacations, etc.).
- (c) Employee subpoena records are maintained, as needed.

#### **321.9 LASPD COURT LIAISON CLERK**

The LASPD Court Liaison Clerk is responsible for coordinating the service and e-mail notification of all LASPD subpoenas. The LASPD Court Liaison Clerk shall:

- (a) Receive and process all incoming subpoenas.
- (b) Service of subpoenas via the Electronic Subpoena System to the employee's e-mail address and/or deliver hard copies of the subpoena.
- (c) Monitor the subpoena log books or computer data to ensure that all subpoenas are being received by the employees.
- (d) Complete the appropriate Department memo and advise the LASPD Court Liaison supervisor of any discrepancy with subpoena service.

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- (e) Document and coordinate requests for "Emergency" short notice court appearances. Every effort will be made to ensure that employees are given as much time as possible between the subpoena service and the actual court appearance date.
- (f) Check the subpoena system for employees who request assistance in accessing electronic subpoenas.
- (g) Maintain employee subpoena records and personally serve all other types of subpoenas.
- (h) Ensure employees are notified of any changes in the status of a court proceeding (e.g., "Be in Court" changed to "On-Call" status).
  - 1. Note: Notification of employees may be in person, telephonically, voice radio broadcast, MDC or via e-mail as is appropriate to ensure prompt service.
- (i) Ensure canceled employee(s) is notified.
- (j) Ensure a subpoena sent to an employee in error is immediately resent to the correct employee.
- (k) Notify the employee's supervisor if the employee does not have e-mail access.
- (l) Notify the employee's supervisor if the employee has not opened a "sent" subpoena within three (3) working days.
- (m) Notify the District Attorney's Office, City Attorney's Office or other prosecuting agency as required by the court, when an employee cannot be served (e.g., vacation, days off, subpoena system status, "Sent- Out of Office Reply," etc.).

#### 321.9.1 LASPD COURT LIAISON SUPERVISION

The supervisor of the LASPD Court Liaison Clerk shall:

- (a) Have supervisory oversight of the duties and training of the LASPD Court Liaison and any alternates who may be required to access the e-Subpoena System in the absence of the LASPD Court Liaison Clerk.
- (b) Oversee the operations of the e-Subpoena System.
- (c) Supervise the daily activities of the LASPD Court Liaison Clerk.

The Administrative Division Commanding Officer or his designee shall:

- (a) Oversee all activities involving all subpoenas.
- (b) Monitor the daily court appearances of Police personnel.
  - 1. Notify the respective Commanding Officer if an employee(s) fails to report for court as ordered.
- (c) Identify/report abuses and take appropriate action, or recommend necessary changes.

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##### **321.10 OFFICERS ON JURY DUTY STATUS - NOTIFICATION**

Department personnel on jury duty status shall call the Watch Commander's Office at least thirty (30) minutes prior to their scheduled duty starting time.

##### **321.10.1 EMPLOYEE SUBPOENAED FOR A CRIMINAL CASE WHILE SERVING ON JURY DUTY**

When an employee is subpoenaed to testify in a criminal matter while serving on jury duty, the employee shall immediately notify the jury coordinator of the conflict.

If the employee is actually serving on a jury, or is not excused from service by the jury coordinator, the employee shall notify the Watch Commander as soon as possible.

##### **321.10.2 CERTIFICATION OF JURY SERVICES**

A court certification of the jury service performed by an employee shall be submitted to his immediate supervisor upon returning to duty.

##### **321.10.3 EMPLOYEES RECEIVING COMPENSATION WHILE ON JURY DUTY**

Employees on jury duty who receive financial compensation for both attendance and mileage shall return all attendance fees to the District. Employees are entitled to retain mileage fees.

##### **321.11 MAINTENANCE OF RECORDED ITEMS OF LEGAL PROCESS**

The LASPD Court Liaison Clerk shall maintain and record all subpoenas. They include the following:

- (a) Date and time received (by certified time stamp).
- (b) Type of legal process; civil or criminal.
- (c) Nature of the document.
- (d) Source of the document.
- (e) Name of plaintiff, complainant, defendant, and or respondent.
- (f) Employee assigned for service.
- (g) Date of assignment.
- (h) Court docket number (if known).
- (i) Date service due.

## Outside Agency Assistance

### 322.1 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.

### 322.2 POLICY

It is the policy of the LASPD 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.

### 322.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Sergeant'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 Sergeant 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.

#### 322.3.1 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 LASPD shall notify his/her supervisor or the Watch Sergeant 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.

### 322.4 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.

#### **322.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Sergeant.

#### **322.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Commanding Officer or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

## Los Angeles Unified School District Assistance

### 323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another investigative non-law enforcement Department, Division, Section, or Unit (i.e., Office of Inspector General, Department of Risk Management Insurance Services, Benefits Abuse, etc.) of the Los Angeles Unified School District (LAUSD).

It is the policy of this Department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this Department, when another entity of the LAUSD requests assistance with an arrest or detention of any person, to include a current employee or a former employee. This Department may also request an outside agency to provide assistance.

#### 323.1.1 ASSISTING LAUSD INVESTIGATIVE ENTITIES

Generally, calls for assistance from an investigative non-law enforcement Department, Division, Section, or Unit (i.e., Office of Inspector General, Department of Risk Management Insurance Services, Benefits Abuse, etc.) of the Los Angeles Unified School District (LAUSD) are routed to the Office of the Chief of Police for approval. When an authorized employee of a LAUSD entity requests the assistance of this Department in taking a person into custody, available officers shall respond and assist in making a lawful arrest.

If an officer receives a request in the field for assistance, that officer shall notify a supervisor, who shall notify the Office of the Chief of Police for approval. Arrestees may be temporarily detained by our agency until approval is granted and/or arrangements for transportation are made by an outside law enforcement agency.

#### 323.1.2 REQUESTING ASSISTANCE FROM LAUSD INVESTIGATIVE ENTITIES

If assistance is needed from another investigative non-law enforcement Department, Division, Section, or Unit (i.e., Office of Inspector General, Department of Risk Management Insurance Services, Benefits Abuse, etc.) of the Los Angeles Unified School District (LAUSD), the employee requesting assistance shall first notify a supervisor of his/her intentions, who then shall notify the Office of the Chief of Police for approval.

## Registered Offender Information

### 324.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the LASPD will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

### 324.2 POLICY

It is the policy of the LASPD to take reasonable steps to address the risks registered offenders may pose.

### 324.3 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 LASPD's website. Information on sex registrants placed on the LASPD'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 (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

#### 324.3.1 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

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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).

## Major Incident Notification

### 325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this Department in determining when, how and to whom notification of major incidents should be made.

### 325.2 POLICY

The LASPD 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.

### 325.3 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 Commanding Officer. 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 Los Angeles School Police Department official
- Arrest of a department employee or prominent Los Angeles School Police Department official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

### 325.4 WATCH SERGEANT RESPONSIBILITY

The Watch Sergeant is responsible for making the appropriate notifications. The Watch Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Sergeant shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

## Death Investigation

### 326.1 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.

Note: The LASPD does not conduct death investigations; however, initial responding officers may encounter cases involving death include those ranging from natural cause to homicide. In those cases, the local county or municipal law enforcement agencies and or the coroner shall be contacted immediately to conduct the death investigation.

### 326.2 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.

#### 326.2.1 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.

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- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.
- (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.

#### 326.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

#### 326.2.3 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 a supervisor 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

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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.

#### 326.2.4 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.

#### 326.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

#### 326.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the municipal or county law enforcement agency shall be notified.

#### 326.2.7 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)).

## Missing Persons

### 327.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 327.1.1 DEFINITIONS

**At risk** - Includes, but is not limited to 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.
- A juvenile student shall be considered a "Critical Missing Person" when they are missing from any school, activity, bus or bus pick-up point, under circumstances not conforming with their regular habits and/or schedules; and who are or may be in need of assistance by reason of:
  - age 11 years or younger; immediately upon notification
  - age 12 years or older; if missing five hours after the close of the school day
  - physical, emotional, or mental impairment
  - information suggesting foul play, suicide or an accident

**Missing Person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

**Missing person networks** - 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).

### 327.2 POLICY

The LASPD 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 the facts reveal otherwise. The LASPD gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation.

When advised of a missing juvenile and the existence of any of the above circumstances, the Watch Sergeant is to be advised, who shall:

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- A.
  1. Dispatch a patrol unit to the last known location of the juvenile.
  2. Dispatch a patrol unit to meet with the reporting party.
  3. Notify the municipal law enforcement agency having jurisdiction.
  4. Make appropriate significant event notifications and documentation.
  5. Continue to track the investigation until the disposition of missing juvenile is known.

The first responding unit shall obtain appropriate information and make a radio broadcast as soon as practicable.

## Identity Theft

### 328.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

### 328.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this Department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
  1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this Department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and Departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

## Private Persons Arrests

### 329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

### 329.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 329.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence;
- (b) When the person arrested has committed a felony, although not in his or her presence;
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

### 329.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
  2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking.
  2. Release the individual pursuant to a Notice to Appear.
  3. Release the individual pursuant to Penal Code § 849.

#### **329.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

# Communications with Persons with Disabilities

## 330.1 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.

### 330.1.1 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.

## 330.2 POLICY

It is the policy of the LASPD 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.

## 330.3 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.

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- (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.

#### **330.4 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 LASPD, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **330.5 TYPES OF ASSISTANCE AVAILABLE**

Los Angeles School Police Department members shall never refuse to assist an individual with disabilities who is requesting law enforcement assistance. The Department will not charge anyone

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to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept Department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **330.6 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.

#### **330.7 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).

#### **330.8 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

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or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note: Relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

#### **330.9 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.

#### **330.10 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.

#### **330.11 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

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All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

#### **330.12 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 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.

##### **330.12.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

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##### **330.13 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this Department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

##### **330.14 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.

##### **330.15 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.

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.

##### **330.16 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

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to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **330.17 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

## Mandatory Employer Notification

### 331.1 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.

### 331.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or their designee is required to report the arrest as follows.

#### 331.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Chief of 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).

If the arrest of a District employee is pending:

- A. The supervisor and / or Watch Sergeant shall be consulted / notified prior to the arrest, unless circumstances prevent prior notification. In the event prior notification is not made, the supervisor / Watch Sergeant shall be notified as soon as possible.
- B. The site administrator should be notified unless there is reason to believe notification would interfere or defeat the investigation.

Note: Physical arrest is not always in the best interest of the Department or the District.

#### 331.2.2 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).

#### 331.2.3 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

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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).

#### **331.2.4 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).

#### **331.3 POLICY**

The LASPD will meet the reporting requirements of California law to minimize the risks to children and others.

#### **331.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES**

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

## Chaplains

### 332.1 PURPOSE AND SCOPE

This policy establishes the guidelines for LASPD chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

### 332.2 POLICY

The LASPD shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

### 332.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

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

### 332.4 RECRUITMENT, SELECTION AND APPOINTMENT

The LASPD shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

#### 332.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged

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misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

#### **332.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued LASPD identification cards, which must be carried at all times while on-duty. The identification cards will be the standard LASPD identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

##### **332.5.1 APPOINTMENT**

Applicants who are selected for appointment to the Chaplain Program shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take an oath of loyalty to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

#### **332.6 CHAPLAIN COORDINATOR**

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Commanding Officer or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Sergeant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.

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- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

#### **332.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Campuses Services Bureau . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the LASPD.

##### 332.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

##### 332.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with LASPD personnel a minimum of eight hours per month.
- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe LASPD operations, provided the Watch Sergeant has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.
- (f) In responding to incidents, a chaplain shall never function as an officer.

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- (g) 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.
- (h) Chaplains shall serve only within the jurisdiction of the LASPD unless otherwise authorized by the Chief of Police or the authorized designee.
- (i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

#### 332.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

#### 332.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Sergeant or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

#### 332.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.

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- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

#### 332.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

#### **332.8 PRIVILEGED COMMUNICATIONS**

No person who provides chaplain services to members of the Department may work or volunteer for the LASPD in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any LASPD member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

#### **332.9 TRAINING**

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide

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- Officer injury or death
- Sensitivity and diversity

## Child and Dependent Adult Safety

### 333.1 PURPOSE AND SCOPE

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

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

### 333.2 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 LASPD 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.

### 333.3 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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##### 333.3.1 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 Sergeant 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.

##### 333.3.2 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.

#### 333.3.3 REPORTING

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

#### 333.3.4 SUPPORT AND COUNSELING REFERRAL

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

#### **333.4 DEPENDENT WELFARE SERVICES**

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

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

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

#### **333.5 TRAINING**

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

## Service Animals

### 334.1 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).

#### 334.1.1 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)).

### 334.2 POLICY

It is the policy of the LASPD 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.

### 334.3 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.

#### **334.4 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 LASPD affords to all members of the public (28 CFR 35.136).

##### **334.4.1 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.

##### **334.4.2 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.

##### **334.4.3 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.

##### **334.4.4 COMPLAINTS**

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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

## Off-Duty Law Enforcement Actions

### 335.1 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 LASPD with respect to taking law enforcement action while off-duty.

### 335.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this Department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

### 335.3 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 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.

### 335.4 DECISION TO INTERVENE

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

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

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- (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.

#### **335.4.1 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 LASPD officer until acknowledged. Official identification should also be displayed.

#### **335.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes, etc.) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

#### **335.4.3 NON-SWORN RESPONSIBILITIES**

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

#### **335.4.4 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.

#### **335.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Sergeant as soon as practicable. The Watch Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Department Use of Social Media

### 336.1 PURPOSE AND SCOPE

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

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

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

#### 336.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 336.2 POLICY

The LASPD may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

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

### 336.3 AUTHORIZED USERS

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

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

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

### 336.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

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

#### 336.4.1 INCIDENT-SPECIFIC USE

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

#### **336.5 PROHIBITED CONTENT**

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

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

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

#### 336.5.1 PUBLIC POSTING PROHIBITED

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

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

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##### **336.6 MONITORING CONTENT**

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

##### **336.7 RETENTION OF RECORDS**

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

##### **336.8 TRAINING**

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

## Gun Violence Restraining Orders

### 337.1 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).

#### 337.1.1 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).

### 337.2 POLICY

It is the policy of the LASPD 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.

### 337.3 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).

#### 337.3.1 ADDITIONAL CONSIDERATIONS

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

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

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

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

#### **337.4 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.

#### **337.4.1 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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#### **337.5 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.

#### **337.6 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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##### **337.7 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.

##### **337.8 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.

##### **337.9 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).

##### **337.10 TRAINING**

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

##### **337.11 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

The Investigations 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).

## Community Relations

### 338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Campus Policing Function Policy.
- Suspicious Activity Reporting Policy.

### 338.2 POLICY

It is the policy of the LASPD to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

### 338.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

### 338.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.

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- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
  - 1. Identify and solve public safety problems within the community.
  - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Campuses Services Commanding Officer to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending District council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

#### **338.5 SURVEYS**

The community relations coordinator should arrange for a survey of school staff members, community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

#### **338.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

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- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

#### **338.7 INFORMATION SHARING**

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

#### **338.8 LAW ENFORCEMENT OPERATIONS EDUCATION**

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

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#### **338.9 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

#### **338.10 COMMUNITY ADVISORY COMMITTEE**

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Sergeant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

#### **338.10.1 LEGAL CONSIDERATIONS**

The Chief of Police and the community relations coordinator should work with the Attorney General as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

#### **338.11 TRANSPARENCY**

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community

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advisory committee to identify information that may increase transparency regarding department operations.

#### **338.12 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of the patrol operations is to ensure the safety of students, school personnel and District property, by assisting school staff in creating a safe and secure school environment.

This policy defines the patrol function and address intraorganizational cooperation and information sharing.

### 400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and to attend roll calls of other bureaus or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and bureaus.

Periodically crimes occur on or nearby school campuses which make it desirable and necessary to alert surrounding schools of the problem. Providing information to adjoining schools will prepare them for potential trouble and possibly lead to identifying and apprehending suspects.

School Police personnel, as soon as reasonably possible, shall call the Watch Commander with the pertinent details of any incident which might impact surrounding schools. The Watch Commander will then cause the schools in the area to be notified of the incident and deploy patrol coverage as needed.

Officers should provide the Watch Commander with all the information available. However, Officers should not delay calling in partial information, if obtaining full information would unnecessarily delay alerting the adjoining schools.

#### 400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

### 400.3 CROWDS, EVENTS AND GATHERINGS

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

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Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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

#### **400.4 POLICY**

The LASPD provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

#### **400.5 FUNCTION**

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Los Angeles School Police Department. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

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#### **400.6 VEHICLE CITATIONS-GENERAL POLICY**

All personnel shall strive for quality in traffic law enforcement. They should write citations for violations of the Vehicle Code and local ordinances wherein the elements of the offense are clear to the Officer.

Emphasis must be given to reasonableness in the enforcement of traffic regulations. The Officer's judgment in the decision to issue a citation must be fair, impartial and in keeping with the mission of the Los Angeles School Police Department.

#### **400.7 INTRUSION ALARMS**

In general, alarm calls should be handled as a priority call. The following are variables which will affect the priority of a call to wired-in or portable alarm activations along with the appropriate response.

A. Availability of units.

If no School Police unit is available, the Code 30 will be referred to the local police agency for handling.

A follow-up response by a School Police unit will be dispatched as soon as a unit becomes available. When a School Police unit is dispatched, the local police agency requested to respond will be immediately notified.

B. Alarm on bad order list or alarm has consistently failed.

On alarms listed as bad order or has consistently failed, a School Police unit will be dispatched if an activation is received. If a unit checks the location and it is Code-4 Charles, a malfunction slip will be filled out by the Communications Center personnel and a dispatch only need be made to the location once a watch.

#### **400.8 WIRED-IN INTRUSION ALARM - MALFUNCTIONS**

Intrusion alarm malfunctions will be input onto the Security Information Management System (S.I.M.S.), noting the site name and brief malfunction information, in ALL instances where there is an obvious or suspected malfunction of an alarm zone or system; even though the malfunction has been logged on a previous day. S.I.M.S. allows for the direct access to alarm malfunction(s) information by District Alarm Technicians, who provide the needed repair services.

#### **400.9 WIRED-IN INTRUSION ALARMS - "ZONES-OFF" AND "SITE-OFF"**

In instances where an alarm zone has malfunctioned, an attempt should be made to have a field Officer "zone-off" the offending zone/area at the site.

If it is necessary to "site-off" an entire alarm system at a location, the malfunction will be logged onto S.I.M.S. and the appropriate entries will be made in the "Site-off" log.

A. Expressed approval must be obtained from the Watch Commander prior to the "site-off" of an entire system.

B. The Watch Commander must initial all "site-off" entries immediately after the "site-off" is achieved.

C. An extra patrol request form will be submitted to the Watch Commander immediately after the "site-off" occurs.

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- D. All systems sited-off must be back on at the end of each watch.

#### **400.10 PORTABLE ALARM**

The installation of a portable alarm shall be the Department's response to reported criminal activity and in the protection of District property. Portable alarms will be installed based on recent criminal activity and the probability of apprehending the perpetrator.

When possible, portable alarms will be installed in clusters to maximize response time to alarm activations. If patrol personnel is unable to install a particular alarm, the Watch Commander's Office will advise the Investigations Unit Lieutenant.

Detectives will be responsible for submitting portable alarm requests for non-staffed schools and sites (e.g., elementary schools, District Offices, maintenance offices, etc.).

# Roles, Responsibilities and Supervision of Community Resource Officers and School Safety Officers Serving Community of Schools

## 401.1 PURPOSE AND SCOPE

The purpose of this policy is to redefine the roles, responsibilities, and supervision of Community of Schools (COS) - Community Resource Officers (CROs) and School Safety Officers (SSOs) to ensure clear focus, direction, and accountability in fulfilling the mission of providing student and campus safety. It is the policy of the Los Angeles School Police Department (LASPD) to partner with all LAUSD administrators and staff to provide a safe and secure campus to facilitate instruction and for students to feel safe, so they may learn and thrive in a safe school climate. Protocols for LASPD to respond to and handle calls for service at school sites are meant to limit local law enforcement personnel from unnecessarily becoming involved with on-campus student interaction with matters that are more appropriately handled by school administrators and other site support staff.

## 401.2 MAJOR CHANGES

The following reflect revised LASPD deployment procedures and organizational structure.

- Renaming campus-based police officer to “Community Resource Officer.”
- Transition from campus-based to Community of Schools patrol deployment.
- Defining and clarifying supervisory and functional roles.
- Defining specific daily duties and responsibilities.
- Defining expectations for collaborating and partnering with Community of Schools and individual school site administrators to ensure school site and District objectives are met.
- Providing guidelines for school administrators on requesting school police response to on-campus safety developments and other basic school police services.

This Policy replaces Standard Operating Procedure **113** issued March 17, 2021 and **BUL-5074.1** Supervision of Campus- Based School Police

Officers and School Safety Officers on the same subject issued by the Office of the Chief Operating Officer, dated April 20, 2010.

## 401.3 DEFINITIONS

### **Community Resource Officer**

A Community Resource Officer (CRO) is assigned to one of the COS areas and is responsible for responding to various calls for police and safety service within the respective COS area. A CRO replaces the site-specific campus-based officer. The duties and responsibilities of a CRO are delineated below.

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#### **Line Supervision**

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Line Supervision is the supervision of all LASPD personnel by an LASPD supervisor. The sworn police supervisor has the specific responsibility of issuing directions and orders to designated subordinates, who are held accountable for achieving conformance with the directions and orders that he/she is issued for the purpose of accomplishing District or Department objectives. The LASPD non-sworn supervisor has the specific responsibility of issuing directives and orders to their non-sworn subordinates. Sworn police supervisors may issue directions and orders to any LASPD subordinate personnel.

#### **Operational Collaboration**

Operational collaboration is a partnership and mission-specific focus between sworn and non-sworn personnel to provide situational awareness, technical insight, administrative and operational knowledge of a field or work site operation for the purpose of accomplishing District or Department objectives. Operational collaboration can apply to non-police District Administrators in charge of a COS cluster, location, site, or section interacting with both non-sworn safety officers and sworn police officers (CROs), and all supervisors, who are providing safety related services.

#### **401.4 GUIDELINES**

The Chief of Police, or his or her designee, shall review and approve criteria for the assignment, reassignment, and deployment of all CROs and SSOs on an ongoing basis to adjust staffing based on the deployment needs of the District and Department.

##### 401.4.1 THE COS-COMMUNITY RESOURCE OFFICER (NON CAMPUS -BASED)

###### A. Community Resource Officer Model

The new CRO model deploys CROs to provide response based school safety services to LAUSD campuses, facilities, properties, and locations. The CRO model designates sworn officers to work with administrators, students, staff and parents to create a safe school community.

###### B. Roles and Responsibilities

Community Resource Officers are assigned to service COS areas for school-based-law enforcement and safety related issues. CROs are an integral part of the school team, partnering to solve problems and reduce crime on and around school campuses. CROs respond to school sites in a variety of manners such as, handling a call for service via LASPD dispatch center, a citizen flag-down or request, or as a result of self-observation of a crime or safety need in progress (refer to Attachment A for on-campus response guidelines).

As peace officers, CROs are expected to take appropriate steps to prevent crime, victimization, and mitigate any potentially threatening situations. Their primary responsibility is to work with the Community of Schools Administrator (COSA), school site administrator, and other school safety committee team members to ensure a safe school environment for students, staff, and the school community as a whole.

###### C. Specific Duties

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The CRO duties and expectations include, but are not limited to:

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1. Respond to and handle calls for service at school sites.
2. Investigate, follow up and work closely with LASPD Detectives on crimes impacting LAUSD.
3. Work closely with COSAs and school administration to prevent/reduce crime.
4. Regularly discuss and communicate issues affecting students and staff, as well as school safety incidents involving the local community.
5. Attend school faculty meetings to discuss school safety issues when deployment permits.
6. Assist with student and staff suicide/threats and other safety related risk assessments, including processing of 5150/5585 Application and Placement as well as transporting for a 5150/5585 (Ca Health and Safety Code) hold.
7. Assist with threat assessment and workplace violence meetings.
8. Assist in conducting school safety drills/exercises (e.g., earthquake, fire) as needed.
9. Discuss safety issues, concerns, and facilitate staffing for school extracurricular events (e.g. graduations, athletics, academic, back to school/open house.)
10. Foster positive supportive relationships and communication with students, parents, and the community.
11. Take an active role in the School Safety Collaborative.
12. Regularly discuss and communicate issues affecting school safety with the local law enforcement agency.
13. Take an active role in the development, implementation, and review of Integrated Safe School Plans (Education Code §§ 32280, 32281(b)(3), 32282)
14. Provide basic police services and perform other law enforcement related duties as assigned by a sworn supervisor.

#### D. Supervision of CROs

Daily line supervision lies with the respective LASPD sergeant. A site administrator shall expect operational collaboration of duties performed by the CRO that impacts overall on-campus school safety.

#### 401.4.2 THE COS SCHOOL SAFETY OFFICER

##### A. COS School Safety Officer Model

The LASPD deploys SSOs to provide unarmed uniformed security services to District sites and facilities. SSOs may be assigned to adult school sites, off-campus perimeter safety, District offices, other District locations, or parking/traffic enforcement. The COS SSO model is designed to provide security services and work with students, staff, and parents to create safe school communities and work locations.

##### B. Roles and Responsibilities

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~~The SSO is an integral part of the safety team to identify safety and security issues impacting LAUSD sites and facilities. SSOs are not law enforcement officers and may not perform police officer duties.~~

#### C. Specific Duties

The COS SSO duties and expectations include, but are not limited to:

1. Assist with security services that support District sites and facilities.
2. Work closely with site administrators to address safety related matters.
3. Conduct parking enforcement / ensure traffic safety.
4. Respond to and handle requests for service at school events and activities.
5. Notify the school site administrator or LASPD of criminal activity; request assistance as needed.
6. Assist with school safety exercise drills.
7. Maintain a constructive working relationship with site staff.
8. Foster positive supportive relationships and communication with students, parents, and the community.
9. Perform other security related tasks as assigned.
10. Provide on-campus security and safety services to Division of Adult and Career Education (DACE) sites.

#### D. Supervision of School Safety Officers

Daily line supervision lies with the respective School Safety Sergeant or an LASPD Sergeant. Supervisors who have SSOs assigned to them should:

1. Assist the SSO to foster effective communication and working relationships with COSA, school administration, and Local District staff.
2. Identify and respond to service concerns or complaints.
3. Meet with the COSA and school staff to discuss safety needs, duties, and expectations.
4. Ensure SSOs are working collaboratively with the staff and administrators in identifying and addressing security/safety needs.
5. Periodically attend principal's meetings to maintain campus and community climate situational awareness.

#### 401.4.3 COLLABORATIVE RESPONSIBILITIES OF THE POLICE SUPERVISOR AND THE SCHOOL SITE ADMINISTRATOR

The school site administrator or designee shall expect operational collaboration relative to duties performed by CROs and SSOs on matters that impact school operations and/or safety. The sergeant and/or the school safety sergeant is also expected to work collaboratively with the school site administrator or designee to:

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- ~~A. Discuss expected services and conduct of the CRO or SSO and ensure awareness of District and department expectations and responsibilities.~~
- B. Meet with the CRO or SSO as needed to ensure awareness of current incidents and on-going activities.
- C. Facilitate meetings as necessary with the CRO and the school-site administrator to discuss security planning and community concerns.

#### **401.5 EMPLOYEE CONTACTS WITH THE PUBLIC**

In each of their official contacts with the public, employees must be aware that their actions, appearance, and statements are those of the Department. For that reason, and because of the inherent potential for conflict in many police contacts, employees must develop a fair, impartial, and reasonable attitude and perform their tasks in a business-like manner. Their statements must be the result of considered judgment and be absent of personal opinion, bias, or editorial comment. Extended conversation which reflects the employee's personal opinions will normally be considered inappropriate.

#### **401.6 STUDENT CONTACTS**

Officer contacts with students must be conducted in such a manner that precludes any concern of impropriety. Situations should be avoided which would result in an Officer becoming isolated in a location, (i.e., behind closed doors in an office) with a student of the opposite sex without another responsible adult present. Contacts with students should be limited to on-duty status or District related activities only.

Officers should be receptive to student problems; however, if the problem does not fall within the scope of officer duties, the student should be referred to an appropriate resource.

#### **401.7 RELEATED RESOURCES**

See attachment: [Attachment A\\_FAQs\\_to SOP 113 Roles and Responsibilities\\_Final \(002\).pdf](#)

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the LASPD'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).

The Data collection requirements of this policy section apply only to peace officers.

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

### 402.2 POLICY

The LASPD 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.

All peace officers employed by a reporting agency, except for probation officers, are subject to this policy section even if the officer makes a stop while assigned or contracted to work for another governmental agency or a private entity pursuant to a contract or memorandum of understanding between the reporting agency and the governmental agency or private entity.

Example: A peace officer of a reporting agency assigned to work as a school resource officer in a K-12 Public School pursuant to a memorandum of understanding or other contractual relationship is subject to this chapter when stopping a person while on that assignment.

### 402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

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##### 402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

##### **402.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

##### 402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

##### 402.4.2 REPORTING OF STOPS

Peace officers subject to the reporting requirements of this policy section shall submit the data elements described the Los Angeles School Police Department Training Manual for every person stopped by the officer.

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

General Reporting Requirements.

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When two or more reporting agencies are involved in a stop, only the primary agency shall submit a report. The primary agency is the agency with investigative jurisdiction based on local, county, or state law or applicable interagency agreement or memoranda of understanding. If there is uncertainty as to the primary agency, the agencies shall agree on which agency is the primary agency for reporting purposes. If a stop is done in conjunction with a reporting agency and an agency that is not subject to the reporting requirements of this chapter, the reporting agency is required to submit data on the stop, even if it is not the primary agency responsible for the stop.

Example: If Officer A stops a person, questions them, and conducts a subsequent consensual search that results in the discovery of narcotics, but Officer B handcuffs the person and takes the person into custody, Officer A would complete the stop report and include all relevant actions of both Officer A and B in that stop report.

If multiple persons are stopped during one incident, then applicable stop data shall be submitted for each person within a single report.

Peace Officer Interactions that Are Not Reportable:

1. Stops during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes and other similar critical incidents, are not subject to the reporting requirements of this chapter.
2. Stops during an active shooter incident, meaning an individual is actively engaged in killing or attempting to kill people in a populated area, are not subject to the reporting requirements of this chapter.
3. Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screenings, including any secondary searches that result from that screening, are not subject to the reporting requirements of this chapter.

In a K-12 Public School, an officer shall report only the following interactions with students as stops:

- A. Any interaction that results in a temporary custody under Welfare and Institutions Code section 625, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity.
- B. Any interaction in which the student is questioned for the purpose of investigating whether the student committed a violation of law, including violations of Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7, or to determine whether the student is truant.
- C. Any interaction in which an officer engages in one or more of the data values. This does not include a detention or search that is conducted of all persons as part of a neutrally applied formula that is not based upon personal characteristics. This includes searches conducted at the entries and exits of school facilities by screening devices, and secondary screenings that result from that initial screening.

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Example: All students entering a school are required to pass through a metal detector. A school police officer searches a student's person or belongings because a metal detector is activated. The interaction shall not be reported.

Example: An officer searches a student's backpack because he or she suspects the backpack contains narcotics. The interaction is reportable.

#### **402.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### **402.6 ADMINISTRATION**

On January 1 of each year until the agency begins reporting data to the Department, each reporting agency shall count the number of peace officers it employs who are subject to this chapter to determine the date that agency must start collecting stop data and reporting to the Department pursuant to Government Code section 12525.5, subdivisions (a)(1) and (a)(2).

Reporting agencies shall create the Officer's I.D. Number defined at section 999.226, subdivision (a)(14) for each officer required to report stops under these regulations. Stop reports submitted to the Department shall include the Officer's I.D. Number, but shall not include the officer's name or badge number. However, each reporting agency shall maintain a system to match an individual officer to his or her Officer's I.D. Number.

The Department shall keep an audit log of incoming and outgoing transactions for each agency's submission of stop data. The Department shall retain this audit log for a minimum of three years.

The Department shall perform data validation on stop data submitted to ensure data integrity and quality assurance. Each reporting agency shall be responsible for ensuring that all data elements,

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data values, and narrative explanatory fields conform to these regulations and for correcting any errors in the data submission process, and shall do so through the Department's error resolution process.

#### **402.7 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

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

The Internal Affairs 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.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

## Roll Call

### 403.1 PURPOSE AND SCOPE

Roll call period is part of on-duty hours, and, as such, personnel are expected to be in complete preparation for the watch at the commencement of the roll call period. Roll call period shall proceed every change of watch, unless extenuating circumstances make it impractical.

All personnel assigned to a watch shall attend the roll call for their watch. Assigned supervisory personnel shall conduct and remain present during the entire roll call period.

Each Officer assigned to field duty shall report to briefing in uniform, with the proper issued equipment and be prepared for a uniform inspection at the beginning of their assigned watch. Compliance with regulations regarding to grooming and uniform standards, cleanliness, and neatness.

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call; however officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call 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 Special Orders or changes in Special Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

### 403.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call and/or the Training Unit are 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.

The Officer in Charge (OIC) of the Training Unit is responsible for research and publication of updated materials to be used for Roll Calls through-out the Department. This responsibility may be designated, but the overall responsibility for these materials rest solely with the OIC.

Training Unit staff shall maintain all records pertaining to Roll Call Training and maintain proof of receipt of training in each employee's training file. Training Unit staff shall verify that all employees receive the Roll Call Training. E-Mail may be used as a training tool and to assist in distributing materials.

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#### **403.3 RETENTION OF ROLL CALL TRAINING RECORDS**

Roll Call training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

#### **403.4 DEPARTMENT INSPECTION**

The Department, or any part of it, may anticipate an inspection by the Chief of Police or any member of his Command Staff at any time.

## Crime And Disaster Scene Integrity

### 404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 404.2 POLICY

It is the policy of the LASPD to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

### 404.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

### 404.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### 404.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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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.

##### **404.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

##### **404.6 EXECUTION OF HEALTH ORDERS**

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

## Critical Response Team

### 405.1 PURPOSE AND SCOPE

The Critical Response Team (CRT) has been established to provide specialized support in handling critical field operations where special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

#### 405.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Critical Response Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to Department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

### 405.2 LEVELS OF CAPABILITY/TRAINING

#### 405.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

#### 405.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

#### 405.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

### 405.3 POLICY

It shall be the policy of this Department to maintain a Level II Critical Response Team, and to provide the equipment, manpower, and training necessary to maintain a tactical team. The Los

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Angeles School Police Department tactical team shall be referred to as the Critical Response Team (CRT). The CRT should develop sufficient resources to perform three basic operational functions:

- a. Command and Control.
- b. Containment.
- c. Entry/Apprehension/Rescue.

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

#### 405.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of CRT missions and operations appropriate to this Department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the Critical Response Team Commander or his/her designee.

#### 405.3.2 ORGANIZATIONAL PROCEDURES

This Department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

#### 405.3.3 OPERATIONAL PROCEDURES

This Department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the California Commission on Police Officer Standards and Practices (POST) suggested tactical team best practices. Because such procedures are specific to Critical Response Team (CRT) members and will outline tactical and officer safety issues, they

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are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during CRT operations (time permitting).
  - 1. All CRT members should have an understanding of operational planning.
  - 2. CRT training should consider planning for both spontaneous and planned events.
  - 3. Medical emergency contingency planning should be incorporated as part of the CRT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
  - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of CRT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
  - 1. Documentation of the incident.
  - 2. Transition to investigations and/or other units.
  - 3. Debriefing after every deployment of the CRT.
    - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
    - (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

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- (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
- (d) When appropriate, debriefing should include specialized units and resources.
  - (i) Sound risk management analysis.
  - (j) Standardization of equipment deployed.

#### **405.4 TRAINING NEEDS ASSESSMENT**

The CRT Commander shall conduct an annual CRT Training needs assessment to ensure that training is conducted within team capabilities, Department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

##### 405.4.1 INITIAL TRAINING

Critical Response Team (CRT) operators and CRT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed Department requirements or POST standardized training recommendations.

##### 405.4.2 UPDATED TRAINING

Appropriate team training for the specialized Critical Response Team (CRT) functions and other supporting resources should be completed prior to full deployment of the team.

CRT operators and CRT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

##### 405.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the Critical Response Team (CRT) function at the organizational level to ensure personnel who provide active oversight at the scene of CRT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend a CRT or Critical Incident Commander course or its equivalent. CRT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

##### 405.4.4 CRT ONGOING TRAINING

Training shall be coordinated by the CRT Commander. The CRT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each CRT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

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- (b) Any CRT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty.
- (d) Quarterly, each CRT team member shall perform the mandatory CRT handgun qualification course. The qualification course shall consist of the CRT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRT 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 CRT team member shall complete the quarterly CRT qualification course for any specialty weapon issued to, or used by, the team member during CRT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the CRT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on CRT 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.

#### 405.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

#### 405.4.6 SCENARIO BASED TRAINING

The Critical Response Team (CRT) should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

#### 405.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit and the Critical Response Team.

### **405.5 DEPARTMENT ISSUED UNIFORMS, EQUIPMENT, AND FIREARMS**

#### 405.5.1 UNIFORMS

The Critical Response Team should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

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##### 405.5.2 EQUIPMENT

The Critical Response Team should be adequately equipped to meet the specific mission(s) identified by the agency.

##### 405.5.3 FIREARMS

Weapons and equipment used by the Critical Response Team, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

##### 405.5.4 OPERATIONAL READINESS INSPECTIONS

The CRT Commander shall appoint a CRT supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRT Commander in writing. The inspection will include equipment issued to members of the unit, operational equipment maintained in the CRT facility and equipment maintained or used in CRT vehicles.

#### **405.6 MANAGEMENT/SUPERVISION OF CRITICAL RESPONSE TEAM**

The Commander of the Critical Response Team shall be the rank of lieutenant selected by the Chief of Police or designee.

##### 405.6.1 TEAM SUPERVISORS

Each tactical element within the Critical Response Team (CRT) will be supervised by a sergeant.

The Team Leaders and Assistant Team Leaders shall be selected by the CRT Commander.

The CRT supervisor's primary responsibility is to supervise the operations of the CRT, which will include deployment, training, first line participation, and other duties as directed by the CRT Commander.

#### **405.7 OPERATION GUIDELINES FOR CRITICAL RESPONSE TEAM**

The following are examples of incidents which may result in the activation of the Critical Response Team:

- a. Barricaded suspects who refuse an order to surrender.
- b. Incidents where hostages are taken.
- c. Cases of suicide threats.
- d. Arrests of dangerous persons.
- e. Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

##### 405.7.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the CRT is to respond to the scene. Upon final determination, the Watch Sergeant will notify the CRT Commander.

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##### 405.7.2 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency SWAT teams must be approved by the Watch Sergeant. Deployment of the LASPD Critical Response Team in response to requests by other agencies must be authorized by the Commanding Officer of Support Services Bureau or the Chief of Police.

##### 405.7.3 MULTI-JURISDICTIONAL SWAT OPERATIONS

The CRT, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional CRT operations will regularly be conducted; CRT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the LASPD CRT shall operate under the policies, procedures and command of the LASPD when working in a multi-agency situation.

##### 405.7.4 MOBILIZATION OF CRITICAL RESPONSE TEAM

Department personnel may make a request for Critical Response Team (CRT) deployment through their supervisor or the Watch Sergeant.

The Watch Commander's Office should be provided with the below listed information, if available:

- (a) Crime involved, number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) If the suspect has threatened or attempted suicide.
- (e) Requested purpose for CRT.
- (f) Command Post location and a safe approach.
- (g) The name of the Incident Commander.
- (h) Any other pertinent information.

The Watch Commander's Office will notify the Team Commander and Team Leaders of the request and known details.

The Team Commander and Team Leaders have the authority to deploy the CRT to assist with critical incidents if the deployment meets the responsibilities and capabilities of the CRT.

If the Critical Response Team is deployed, the Watch Commander's Office will facilitate notification of the Chief of Police, the Commanding Officer of OSPA and the Commanding Officers of the respective Bureau and Division.

The Watch Commander's Office will complete a CRT call-out incident log.

##### 405.7.5 FIELD UNIT RESPONSIBILITIES

While waiting for the Critical Response Team, field personnel should, if safe, practical and sufficient resources exist:

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- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the CRT has arrived, all negotiations should generally be halted to allow the negotiators and CRT time to set up.
- (f) Be prepared to brief the CRT Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

#### 405.7.6 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Critical Response Team, the Incident Commander shall brief the CRT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRT Commander, whether to deploy the Critical Response Team. Once the Incident Commander authorizes deployment, the CRT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Critical Response Team. The Incident Commander and the CRT Commander (or his or her designee) shall maintain communications at all times.

#### 405.7.7 COMMUNICATION WITH CRITICAL RESPONSE TEAM PERSONNEL

All of those persons who are non-Critical Response Team personnel should refrain from any non-emergency contact or interference with any member of the team. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with CRT personnel directly. All non-emergency communications shall be channeled through the Command Post.

## Ride-Along Policy

### 406.1 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.

#### 406.1.1 ELIGIBILITY

The Los Angeles School Police Department Ride-Along Program is offered to residents, students and those employed within the LAUSD. Attempts will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

#### 406.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 06:30 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Commanding Officer, or Watch Sergeant.

### 406.2 PROCEDURE TO REQUEST A RIDE-ALONG

Ride-along requests shall be approved by the rank of lieutenant or higher, with notification to the commanding officer of the division in which the ride-along is to occur. All ride-along participants shall ride with either an LASPD sworn supervisor or with supervisory approval, a Senior Police Officer (SPO) whereby the SPO is NOT subject to receiving calls for service.

All approved ride-along requests shall be forwarded via the chain-of-command to the Office of the Chief of Police.

Generally, ride-along requests will be scheduled by the Watch 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 Watch 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 Sergeant as soon as possible for his/her scheduling considerations.

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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.

#### 406.2.1 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, Chaplains, Reserves, police applicants, and all others with approval of the Watch Sergeant.

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.

#### 406.2.2 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 Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

#### 406.2.3 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 Sergeant. 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.

#### 406.2.4 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 LASPD) (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.).

### **406.3 SUPERVISOR'S RESPONSIBILITY**

The supervisor shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Supervisors shall consider the safety of the ride-along at all times. Supervisors 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 Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Watch Sergeant with any comments which may be offered by the officer.

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Senior Police Officers may conduct ride-alongs with the approval of the Watch Sergeant. Any Senior Police Officer conducting a ride-along shall not be subject to radio calls.

#### **406.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

## Hazardous Material Response

### 407.1 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.

#### 407.1.1 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.

### 407.2 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).

### 407.3 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.

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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.

##### 407.3.1 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.

## Hostage and Barricade Incidents

### 408.1 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.

#### 408.1.1 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.

### 408.2 POLICY

It is the policy of the LASPD to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 408.3 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.

LASPD personnel shall contact the Watch Commander's Office to request the local county or municipal law enforcement agencies' authorized negotiators respond to the scene as soon as practicable and assume communication responsibilities.

Note: Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

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##### **408.3.1 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.

##### **408.4 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.

##### **408.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

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- (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.

#### 408.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

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- (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.

#### **408.5 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 Critical Response Team (CRT) response if appropriate and apprising the CRT Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
  - (b) Ensure the completion of necessary first responder responsibilities or assignments.
  - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
  - (d) Establish a command post location as resources and circumstances permit.
  - (e) Designate assistants who can help with intelligence information and documentation of the incident.
  - (f) If it is practicable to do so, arrange for video documentation of the operation.
  - (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order

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prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

- (h) Ensure adequate law enforcement coverage for the remainder of the District during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or 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.

#### **408.6 CRT RESPONSIBILITIES**

The Incident Commander will decide, with input from the CRT Commander, whether to deploy the CRT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRT 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 CRT. The Incident Commander and the CRT Commander or the authorized designee shall maintain communications at all times.

#### **408.7 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

### 409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the LASPD 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.

### 409.2 POLICY

It is the policy of the LASPD to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 409.3 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 Sergeant is immediately advised and informed of the details. This will enable the Watch Sergeant to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

### 409.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

#### 409.4.1 LASPD FACILITY

If the bomb threat is against the LASPD facility, the Watch Sergeant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

#### 409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the LASPD 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 Sergeant deems appropriate.

#### 409.4.3 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.

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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.

#### **409.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the District of Los Angeles School Police Department, 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 Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

#### **409.5.1 ASSISTANCE**

The Watch Sergeant should be notified when police assistance is requested. The Watch Sergeant 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 Sergeant determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.

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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.

#### **409.6 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 Sergeant including:
  1. The time of discovery.
  2. The exact location of the device.
  3. A full description of the device (e.g., size, shape, markings, construction).
  4. The anticipated danger zone and perimeter.

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5. The areas to be evacuated or cleared.

#### **409.7 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.

##### 409.7.1 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.

##### 409.7.2 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 Sergeant
- 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

##### 409.7.3 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.

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##### 409.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Sergeant 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

### 410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

### 410.2 POLICY

It is the policy of the LASPD to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

### 410.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

#### 410.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

#### 410.3.2 TRANSPORTATION

When transporting any individual for a "5150" commitment, the handling officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

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Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing and seat belt policies. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel. The officer will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member. When practicable, and a security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the patient

#### 410.3.3 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

#### 410.3.4 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application for 72-Hour Detention for Evaluation and Treatment form (DHCS 1801) and provide it to the staff member assigned to that patient. The officer will submit a copy of the 72-hour evaluation, after obtaining an SP#, to the Records Management Unit. The officer shall also provide a verbal summary to an emergency Department staff member regarding the circumstances leading to the involuntary detention.

#### 410.3.5 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

### **410.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

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##### 410.4.1 MENTALLY ILL PERSON WHO HAS COMMITTED A (NON-FELONY) CRIMINAL ACT

In the event a person to be committed for a 72-hour evaluation has committed a non-felony criminal act, and the Officer believes that the person should, if released, be prosecuted for the act, the Officer shall, in addition to the procedure noted in the previous section:

- A. Sign the "Certification of Criminal Charges" located on the bottom of the "Application for 72-hour hold." This action requires that the admitting facility notify the Department if the detention is less than 72 hours or if there is no detention.
- B. Advise the victim of the crime of the circumstances, and if they are desirous of prosecution and wishes a follow-up investigation to be conducted, the Officer shall also complete a crime report.
- C. If the application for the 72- hour evaluation is rejected, the Officer may transport the subject back to their residence if they have no other means of returning there. If the misdemeanor crime was committed in the Officer's presence, the person shall be arrested and the appropriate procedures, RFC or booking for the crime committed, should be followed.

##### 410.4.2 MENTALLY ILL PERSON WHO HAS COMMITTED A FELONY CRIME

If a mentally ill person has committed a felonious offense, and the person otherwise meets the qualification of being "gravely disabled, or a danger to himself or others" within the meaning of the Welfare and Institutions Code, the arresting officer shall proceed as follows:

- A. The arrestee shall be transported to the appropriate hospital for a psychiatric evaluation. The Officer shall take a crime report listing the mentally ill person as the suspect.
- B. If the crime is of a nature that requires immediate attention and/or further investigation, the Watch Sergeant shall be notified.
- C. The arrestee should be booked upon notification of pending release from the Mental Health Facility.

##### 410.4.3 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

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#### **410.5 TRANSPORTATION**

When transporting any individual for a 5150 commitment, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Sergeant approval is required before transport commences.

##### **410.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS**

- (a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Criminal Investigation Section which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare & Institutions Code § 8102(c), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing them of the right to a hearing on the issue and that they have 30 days to confirm with the court clerk any desire for a hearing and that failure to do so will result in the forfeiture of any confiscated weapon(s) (Welfare & Institutions Code § 8102(e)).
- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default (Welfare & Institutions Code § 8102(g)).
- (d) Upon determining that the weapon is available for release, the handling detective shall notify the property clerk of the local law enforcement agency where the weapon was booked, that it may be released.

#### **410.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility

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restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

#### **410.7 DOCUMENTATION**

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

##### **410.7.1 ADVISEMENT**

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

#### **410.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

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- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **410.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

##### **410.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS**

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations 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.

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#### **410.10 TRAINING**

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

## Cite and Release Policy

### 411.1 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.

### 411.2 POLICY

It is the policy of the LASPD 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.

### 411.3 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.

#### 411.3.1 FIELD CITATIONS

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

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

#### 411.3.2 RELEASE AFTER BOOKING

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

#### 411.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Penal Code § 853.6(i)):

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- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
  1. The LASPD shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.
  1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
  2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.
  3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.
- (d) There are one or more outstanding arrest warrants for the person.
- (e) The person could not provide satisfactory evidence of personal identification.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.

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- (j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)

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 local county or municipal Watch Sergeant for approval and included with the case file in the Records Unit.

#### 411.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

#### **411.4 CITATION RELEASE ON MISDEMEANOR WARRANTS**

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one 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 himself or herself 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 his or her own safety.
- (g) The person has other ineligible charges pending against him/her.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this section.

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##### 411.4.1 DISQUALIFYING OFFENSES

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

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

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

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- (f) The person could not provide satisfactory evidence of personal identification.
  - 1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:
  - (a) Previous failure to appear is on record
  - (b) The person lacks ties to the area, such as a residence, job, or family
  - (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Sergeant for approval and included with the case file in the Records Unit.

#### **411.5 MISDEMEANOR WARRANTS**

An adult arrested on a misdemeanor warrant may be released, subject to Watch Sergeant approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.
- (g) The person has other ineligible charges pending against him/her.

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- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

#### **411.6 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 he/she feels the situation should be documented more thoroughly in a case report.

## Arrest or Detention of Foreign Nationals

### 412.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State website (<http://travel.state.gov/content/travel/english.html>).

#### 412.1.1 DEFINITIONS

**Foreign National** - Anyone who is not a citizen of the United States (U.S.) and is a national from a country on the list of specific countries the United States is obligated to notify. A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

### 412.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

### 412.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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#### 412.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

#### 412.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

#### 412.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

#### **412.4 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the California Emergency Management Agency (Cal EMA).

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#### 412.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labeled with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

#### **412.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

##### 412.5.1 CITABLE OFFENSES

A citation may be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant.
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear.
- (c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released.
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.
- (f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter.
- (g) The violator shall be provided with the appropriate copy of the notice to appear.

##### 412.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled

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to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual, Section Foreign Nationals Who Do Not Claim Immunity.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers:

Office of Foreign Missions

San Francisco, CA

(415) 744-2910, Ext. 22 or 23

(415) 744-2913 FAX

(0800-1700 PST)

Office of Foreign Missions

Los Angeles, CA

(310) 235-6292, Ext. 121 or 122

(310) 235-6297 FAX

(0800-1700 PST)

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Verification) or

(202) 895-3532 (Registration Verification)

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(202) 895-3533 FAX

(0815-1700 EST)

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by California Emergency Management Agency (Cal EMA), local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

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#### **412.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual, Section Enforcement Procedures.

##### 412.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

##### 412.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Supervisor or supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

#### **412.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest.
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE)

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is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual 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.

#### 412.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact the Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname, if used.
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

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##### 412.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest- Investigation Report the date and time the Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

## Rapid Response and Deployment

### 413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

### 413.2 POLICY

The LASPD will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

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

### 413.3 FIRST RESPONSE

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

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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

#### 413.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

#### 413.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

#### 413.5 PLANNING

The Campuses Services Commanding Officer should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

#### **413.6 TRAINING**

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
  - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

## Response to Fires

### 414.1 FIRES-REPORTING PROCEDURE

Fire Departments that serve the Los Angeles Unified School District all for the reporting of all fires, burning or extinguished by District administrators. Both City and County Codes mandate that all uncontrolled and/or unlawful fires, or evidence of a fire, be reported to the local Fire Department.

School Police Officers have a specific responsibility upon discovering or becoming aware of a burning, smoldering or extinguished fire on a school site of this District. There is a need to investigate these incidents for various reasons, none the least of which is the potential of continued arsonist activity. Officers of this Department are to comply with and adhere to the following guidelines:

- A. The local Fire Department shall be notified of incidents of fire: burning, smoldering or "fire out" (burned out/extinguished). The Officer(s) or other responsible person, should await their arrival in order to provide the most expeditious route to the involved area.
- B. If the fire is very minor, and without jeopardizing personal safety, Officers may take immediate action with available equipment (extinguishers, fire hoses, etc.) to extinguish and reduce fire loss, but good judgment are essential.
- C. Make certain that all persons have been evacuated to a safe area.
- D. Secure the affected area, close windows and doors to reduce the probability of the fire spreading.
- E. Contact the Department Watch Sergeant as soon as possible to advise of the situation; as well as contacting and advising a site administrator or other responsible individual of the situation.
- F. Complete the "LAUSD Police Arson Checklist" and crime report.
- G. Locate and identify suspects, witnesses, if present: and preserve any evidence for investigators handling the case.

The Watch Sergeant will have the responsibility for making all appropriate notifications at the District administrative level and in off-hour incidents, affected site administrators.

### 414.2 FIRE OUT INVESTIGATIONS

The Fire Department shall be notified of all extinguished/burned out fires (including trash cans, brush, lockers, etc.) for "fire out" investigation.

### 414.3 FIRES-SUSPECTED ARSON

The Arson Investigator of the Department will investigate any fire determined to be an arson.

### 414.4 FIRE INVESTIGATION REPORTS

Any time a fire occurs on a District facility, a report will be generated on an Investigation Report (I.R.). If it appears that a burglary was a part of an arson, list arson first, then burglary. All I.R.'s should be marked "Copies to LAFD. Arson."

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In areas handled by the Sheriff's Department, personnel from that agency shall take all fire investigation reports. If directed to take a fire investigation report in the Sheriff's area, the Sheriff's Fire Report (SH-R-84) shall be completed.

#### **414.5 ARSON CHECKLIST**

The School Police Department's arson checklist ("L.A. City Schools Arson Checklist") provides the needed information to conduct a follow-up report. If necessary, and most importantly, this checklist denotes the Fire Department person who determines the cause and origin (incendiary or accidental).

#### **414.6 INVESTIGATION INVOLVING EXPLOSIVES**

Field units shall make the preliminary investigation of all calls involving explosives. Investigating Officers will notify the dispatcher that he will be off the air while handling the call at the given location. This notification shall be done out of the proximity of the call. No attempt shall be made to neutralize, disarm, move, transport, or release a dangerous explosive.

When the call is concluded, the Officer will generate a crime report, to include the names of all involved parties, the units and supervisor at the scene.

# Immigration Violations

## 415.1 PURPOSE AND SCOPE

The purpose of this written policy is to provide rules and procedures for officers of the Los Angeles Unified School Police Department in compliance with The California Values Act, regarding (a) the enforcement of federal immigration law; and (b) the LASPD's interaction with federal government agencies, who have primary jurisdiction over the enforcement of federal immigration law, such as the U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP).

### 415.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

**Criminal immigration violation** - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

**Immigration enforcement** - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

**Judicial warrant** - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

## 415.2 POLICY

It is the policy of the LASPD that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## 415.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

## 415.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

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##### 415.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

##### 415.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

#### **415.5 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).

##### 415.5.1 SUPERVISOR RESPONSIBILITIES

The LASPD officer must also immediately inform his/her immediate supervisor, and notification will be made through the chain of command, of the detention and/or arrest. The on-duty Watch Sergeant or the Chief of Police's designee will notify ICE or the originating agency to determine if the agency will take custody of the arrestee for criminal prosecution. 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.

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- (b) Transfer the person to jail.

If an officer confirms that the detained individual has a prior “serious or violent felony” conviction, a LAPSD officer must contact his/her immediate supervisor. The immediate supervisor will then notify the on-duty Watch Sergeant who will cause notification through the chain of command, to and including the Chief of Police or designee, when applicable. The LASPD officer will then receive further instructions, which includes arresting and/or transferring the individual to federal authorities. If a transfer will be made, immigration authorities will be contacted by the on-duty Watch Sergeant or the Chief of Police’s designee.

#### **415.6 FEDERAL REQUESTS FOR ASSISTANCE**

In compliance with state law, LASPD officers do not participate or assist federal immigration agency personnel during immigration enforcement operations. LASPD officers, however, will respond to the location of an immigration enforcement action if there is an emergency, such as (1) the enforcement action involves a national security or terrorism matter; (2) there is an imminent risk of death, violence, or physical harm to any person or property; (3) the enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual that presents an imminent danger to public safety; or (4) there is an imminent risk of destruction of evidence material to an ongoing criminal case.

The act of being present in the U.S. in violation of federal immigration laws is not, standing alone, a crime. While federal immigration law does criminalize some actions that may be related to undocumented presence in the U.S., undocumented presence alone is not a violation of federal criminal law.

Federal immigration laws are principally enforced through civil proceedings administered by the U.S. Department of Homeland Security (DHS) and lead to removal from the U.S. The two most common types of criminal immigration law violations are (1) entering the United States without being inspected and admitted, i.e., illegal entry (8 U.S.C. § 1325) and (2) reentry, without permission, after a prior removal order (8 U.S.C. § 1326).

However, current state law prohibits all local law enforcement agencies, with certain exceptions specified below, from assisting and enforcing federal immigration law.

The DHS, through ICE, has primary jurisdiction for enforcement of all federal immigration laws, both civil and criminal.

LASPD has no authority to enforce federal civil immigration law. According to state law, LASPD officers shall not perform the functions of a federal immigration officer. LASPD officers will also not assist any federal immigration agency in enforcing civil immigration law. Unless specified herein, LASPD will not use money, facilities, equipment, or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes.

State law prohibits LASPD officers using immigration authorities as interpreters for law enforcement matters relating to individuals in LASPD custody. In compliance with state law, LASPD will not provide or lease any office space exclusively dedicated for immigration

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authorities. LASPD will not enter into agreements with state or local law enforcement agencies, ICE, or any other federal agency for the enforcement of federal immigration law, except as required by law. In compliance with state law, LASPD will not independently conduct sweeps or other concentrated efforts to detain suspected undocumented immigrants. Notwithstanding the above, LASPD officers may enforce federal criminal immigration laws that do not penalize a person's immigration status or employment in the U.S. Such offenses that LASPD officers may enforce, which are federal criminal immigration laws, include but are not limited to marriage fraud (8 U.S.C. 1325(c)), entrepreneurship fraud (8 U.S.C. § 1325(d)), document/benefit fraud (8 U.S.C. 1324c), and alien smuggling (8 U.S.C. § 1324).

#### **415.7 INFORMATION SHARING**

Federal law precludes an agency from prohibiting or in any way restricting personnel from sending to, or receiving from, the DHS or ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual. (See 8 U.S.C. § 1373.

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

State law prohibits LASPD officers from voluntarily providing personal information (e.g., home address or work address) to federal immigration authorities, unless that information is available to the public.

State law also prohibits LASPD officers providing information regarding a detainee's release date unless that information is available to the public or is in response to a notification request from immigration authorities in accordance with Government Code § 7282.5 (e.g., does the detainee have a prior "serious or violent felony", which warrants providing the detainee's release date).

If LASPD officers are, absent exigent circumstances, confronted in person by a request from an immigration agent for information or access to a school site, an LASPD officer is guided by LAUSD Reference Guide, "LAUSD Campuses as Safe Zones and Resource Centers", Reference-6767.1 (Feb. 2, 2017), requiring an LASPD officer to:

- (a) Immediately notify the LASPD on-duty Watch Sergeant, who will then make the notifications through the chain of command;
- (b) Verify the immigration agent's credentials, including the agent's name and badge number, and the phone number of the agent's supervisor;
- (c) Ask the immigration agent why the immigration agent is requesting access or information;
- (d) Ask to see any documentation, including any subpoena or any warrant signed by a federal or state judge;

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- (e) Ask for written authority from ICE, including documentation of prior approval by officials of the Homeland Security Investigations and Enforcement and Removal Operations divisions of ICE; and
- (f) Advise the agent that prior to proceeding with their request, and absent exigent circumstances, direction from the on-duty Watch Sergeant (who will then make the notifications through the chain of command) must take place.

If a federal agent seeks to enforce an outstanding judicial warrant or judicial probable cause determination for a criminal immigration-related offense (or to serve a subpoena or search warrant, or act pursuant to exigent circumstances) on LASPD campuses or facilities, LASPD officers will comply, to the extent possible, with the above notification requirements, but cannot obstruct enforcement. This is no different for any other law enforcement agency that may come onto LAUSD property.

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

#### 415.7.1 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.

#### 415.7.2 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 LASPD intends to comply with the request (Government Code § 7283.1).

State law prohibits LASPD officers to provide 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

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and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

#### 415.7.3 ICE INTERVIEWS

State law prohibits LASPD personnel from interrogating or interviewing persons regarding his or her immigration status.

In compliance with state law, the LASPD only allows ICE personnel to interview an arrestee, when the arrestee consents to the interview, in writing, after having been advised of his or her rights set forth in California's TRUTH Act (Government Code §7283, et. seq.). Among other rights, the arrestee may consult with and require that an attorney be present during an interview.

#### 415.7.4 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.

#### 415.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigations 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).

#### **415.8 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 Criminal investigation Sections supervisor assigned to oversee the handling of the underlying case supporting the U or T-Visa. The Investigations 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.

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- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

The instructions for completing certification and declaration forms, and deadlines, can be found on the DHS website at [www.dhs.gov](http://www.dhs.gov). Any decision to complete a certification or declaration form must be documented in the case file. Include a copy of any completed form in the case file.

#### 415.8.1 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.

#### 415.8.2 REPORTING TO LEGISLATURE

The Investigations 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).

#### 415.8.3 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).

### **415.9 TRAINING**

The Training Sergeant should ensure that all appropriate members receive training on immigration issues.

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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.).

#### **415.10 TASK FORCES**

In compliance with state law, LASPD will not participate in any joint law enforcement task force where the primary purpose of the joint law enforcement task force is immigration enforcement. Rather, it is LASPD's policy to participate in joint law enforcement task forces where the enforcement or investigative duties are primarily related to violation of state or federal law unrelated to immigration enforcement (i.e., narcotics trafficking, human trafficking, or child exploitation, among others). All LASPD joint law enforcement task forces must be approved by a Deputy Chief of Police or Chief of Police.

## Emergency Utility Service

### 416.1 PURPOSE AND SCOPE

The LAUSD Facilities Maintenance and Operations Department (M&O) 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.

#### 416.1.1 BROKEN WATER LINES

The LAUSD's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the LAUSD side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

#### 416.1.2 ELECTRICAL LINES

LAUSD Facilities Maintenance and Operations Department (M&O) does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

#### 416.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### 416.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

### 416.2 TRAFFIC SIGNAL MAINTENANCE

The LAUSD and or the Los Angeles School Police Department does not contract with a private maintenance company to furnish maintenance for all traffic signals within the LAUSD. Traffic signals are maintained by the local municipalities, county, or the State of California. The respective agencies shall be notified in the event a traffic signal requires maintenance.

#### 416.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

## Aircraft Accidents

### 417.1 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.

#### 417.1.1 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.

### 417.2 POLICY

It is the policy of the LASPD to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 417.3 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).

### 417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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##### **417.5 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)

##### **417.6 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.

##### **417.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **417.8 DOCUMENTATION**

All aircraft accidents occurring within the jurisdiction of Los Angeles School Police Department 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 LASPD members deployed to assist; other District resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

##### 417.8.1 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.

##### 417.8.2 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.

#### **417.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## Field Training Officer Program

### 418.1 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 LASPD.

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.

### 418.2 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.

#### 418.2.1 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

### 418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Administrative Services Division Commanding Officer or designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTO's
- (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 FTO's

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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)).

#### **418.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the LASPD who has successfully completed a POST approved Basic Academy.

#### **418.5 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, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

##### **418.5.1 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 LASPD. 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 LASPD.

#### **418.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

The evaluation report serves as a progress report for the new employee noting needed improvements or whether requirements of his position are being met. For the Training Officer and supervisor, the report serves to recognize a probationer's training needs, performance strengths and weaknesses and requirements needed in meeting the position.

The following general criteria are guidelines used in evaluating the Trainee during probation period:

- A. Exhibits acceptable character traits, and ethics/values.
- B. Ability to grasp, apply and perform journeyman level police skills, tasks / responsibilities, concepts and procedures.
- C. Demonstrates:
  1. Emotional stability.
  2. Mental maturity and intelligence.
  3. Sound judgment.

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4. Personal integrity.
5. Courage
- D. Ability to work free from conflict with fellow employees, school administrators, teachers, students and the general public.
- E. Ability to comprehend and apply extensive training and detailed instruction.
- F. Presents a neat appearance.

#### 418.6.1 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.

#### 418.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

#### 418.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Coordinator is a sworn employee who has completed a POST certified FTO Course.

The responsibilities of the Field Training Coordinator include the following:

- (a) Coordination of the FTP.
- (b) Monitor trainee progress.
- (c) Review the Daily Observation Reports (DOR's) submitted by the FTO and forward them to the FTO Program Supervisor for approval.
- (d) Maintain liaison with Field Training Coordinators of other agencies.

#### 418.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential FTO Critique Form on each of their FTO's and a confidential FTP Critique Form on the Field Training Program.

#### **418.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

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- (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

#### **418.8 POLICE OFFICER TRAINEE - PROBATIONARY PERIOD**

Once hired, a Police Officer Trainee's probationary period shall be for a twelve (12) month employment period, commencing on the first day employed as a trainee. In order for a Police Officer Trainee to achieve permanent training status, a Trainee must satisfactorily meet the established standards of the Los Angeles School Police Department.

## Reintegration Program

### 419.1 PURPOSE AND SCOPE

It is vital that we support our employees who are returning from an extended absence by providing the appropriate level of remedial training to reintegrate them into the workplace. The Chief of Police has delineated certain responsibilities to the returning employee and the responsibilities of the employees chain of command whenever an employee has been absent for more than (60) days.

### 419.2 REINTEGRATION PLAN

When an employee returns to duty after an extended absence of 60 calendar days or greater, the employee's Commanding Officer shall meet with the employee and conduct a reintegration interview.

From that interview, a reintegration program shall be developed for the individual employee, which takes into consideration the unique circumstances of the particular employee.

All employees absent for a period of 60 days or longer SHALL, at minimum, complete any mandated POST training requirements, Department firearms qualification, and review any Department or District policy or procedure changes. For example, an officer returning from maternity leave may have been exempt from firearms qualification for approximately one year. In such cases, the officer's reintegration program should include firearms qualification and defensive tactics training, prior to being assigned to the field and a review of new SOP's or Department policies since the absence.

Employee's Responsibility:

When an employee who has been on an extended absence of 60 calendar days or longer plans to return to work, he/she shall:

- Request to meet with his/her Commanding Officer immediately upon returning to work;
- Assist his/her Commanding Officer in identifying his/her individual needs; and
- Accomplish all reintegration tasks as directed by his/her Commanding Officer.

Note: This is in addition to any other duty, such as reporting to his/her Commanding Officer prior to the start of work to retrieve his/her identification card, badge, or other Department property if the said absence involved retrieval of any Department-owned equipment.

## Obtaining Air Support

### 420.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### 420.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### 420.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Sergeant, or his/her designee, will call the closest agency having helicopter support available. The Watch Sergeant on duty will apprise that agency of the specific details of the incident prompting the request.

#### 420.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under circumstances including, but not limited to, the following:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.
- (f) Roof checks.
- (g) Suspect in possession of a firearm or other dangerous weapon.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

## Contacts and Temporary Detentions

### 421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 421.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

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

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

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### 421.2 POLICY

The LASPD respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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#### **421.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the LASPD to strengthen community involvement, community awareness, and problem identification.

##### **421.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer

#### **421.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

#### **421.5 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **421.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

##### **421.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

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

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

##### **421.5.3 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Watch Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Sergeant should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Sergeant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.

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When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### **421.5.4 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

#### **421.6 WITNESS IDENTIFICATION AND INTERVIEWS**

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

- (a) Identifying all persons present at the scene and in the immediate area.
  1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  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 LASPD members.
  1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

# Criminal Organizations

## 422.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the LASPD appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 422.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 422.2 POLICY

The LASPD recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this Department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 422.3 CRIMINAL INTELLIGENCE SYSTEMS

No Department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for Department use.

Any criminal intelligence system approved for Department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for Department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 422.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this Department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance

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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

#### 422.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

#### **422.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

##### 422.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Unit or XXXXXXXX, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

##### 422.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

#### **422.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.

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- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

#### **422.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

#### **422.7 CRIMINAL STREET GANGS**

The Investigations Division supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
  1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
  2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
  3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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#### **422.8 TRAINING**

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

##### **422.8.1 SHARED GANG DATABASE TRAINING**

The Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

## Watch Sergeant

### 423.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a lieutenant or sergeant heads each watch.

### 423.2 DESIGNATION AS ACTING WATCH SERGEANT

When a sergeant is unavailable for duty as Watch Sergeant, in most instances a lieutenant shall be designated as Watch Sergeant. This policy does not preclude designating a less senior Lieutenant as an acting Watch Sergeant when operational needs require or training permits.

### 423.3 24-HOUR ACTIVITY LOG / SIGNIFICANT EVENTS-DOCUMENTATION

All notable incidents occurring on any watch shall be recorded on the 24-Hour Activity Log maintained in the Watch Sergeant's Office. The 24-hour period shall commence at 0700 hours each day and continue until 0700 hours of the following day.

A "notable" incident includes, but it is not limited to, incidents like: a major disruption, significant injury, significant property damage impacting District activities or facilities; or incidents / issues in which there is media attention.

After the Significant Events Report is completed and approved a copy of the report shall be distributed via electronic mail by the Watch Sergeant to the following personnel:

- A. Department personnel.
- B. District's School Operations.
- C. District's Office of Support Services.
- D. Significant Events file folder.

### 423.4 SERGEANT'S WEEKLY ACTIVITY REPORT

The Sergeant's Weekly Activity Report is an important source for the Department's continued efficient planning and operation. The following is the format of the Weekly Activity Report with a description of the information which should be included in each designated area:

- A. Day - Date
  - 1. Significant information to report.

This report will be completed by Sergeants assigned to clusters and / or complexes. All Weekly Activity Reports will be possession typed work product.

### 423.5 UNUSUAL CRIMES OR INCIDENTS - NOTIFICATION OF WATCH SERGEANT

Officers investigating an incident that is, or may be, of unusual concern to the Department, or which requires major police action, shall notify the Watch Sergeant. Incidents when the Watch Sergeant shall be notified are:

- A. Arrests.

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1. Department employee arrested.
2. News media member arrested.
- B. Conveyance Accidents.
  1. Aircraft accident.
  2. Traffic accident with injuries involving Department personnel.
- C. Damage to Property.
  1. Arson suspected.
  2. Extensive damage to District / Department equipment or facilities.
- D. Deaths, Injuries, and Incapacitation.
  1. Death or serious injury to Department employee (on or off-duty).
  2. Death or serious injury to citizen or suspect resulting from police action.
  3. Death or serious injury to citizen or suspect in police custody.
  4. Mentally ill Department employee.
- E. Disasters.
  1. Earthquake.
  2. Flood.
  3. Landslide.
  4. Major-
    - a. Fire.
    - b. Train wreck.
    - c. Traffic accident.
    - d. Traffic congestion.
- F. Disturbances.
  1. Mass arrest.
  2. Major Demonstration.
  3. Department Mobilization.
  4. Emergency Control Center activation.
  5. Field Command Post activation.
  6. Any other unusual occurrences.
- G. Mass School Threat.
- H. Explosives.
  1. Bombing or bomb threat.
  2. Found explosives.
  3. Gas leak, break, or explosion.
  4. Sonic or other blast of unusual magnitude.
- I. Field Contacts
  1. Aggravated contact involving consular officer.
  2. A prominent person as victim or suspect, or found deceased.
- J. Tactical situations.
  1. Barricaded suspect.
  2. Murder, kidnappings, or unusual crime which may be newsworthy.
  3. Officer Involved Shooting.
  4. Pursuit

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5. Search for missing juvenile.
6. Shots fired (non-officer involved).
1. Miscellaneous.
  1. Blood run.
  2. Radioactive material which becomes a police problem.
  3. Any other incident which an officer feels should be brought to the attention of the Department Command.

Note: Personnel assigned to the Communications Center, who become aware of unusual incidents, shall forward all available information to the Watch Sergeant as soon as possible.

# Mobile Data Computer Use And Radio Procedures

## 424.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

## 424.2 POLICY

LASPD members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

## 424.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

## 424.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Sergeants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

### 424.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **424.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Watch Sergeant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

##### 424.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

##### 424.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Sergeant 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.

#### **424.6 EQUIPMENT CONSIDERATIONS**

##### 424.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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##### 424.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

##### **424.7 RADIO PROCEDURES**

When contacted by radio, all personnel should immediately respond on the air. It is the employee's responsibility to know all radio codes in this section, which shall be standard practice, and use them appropriately.

All radio transmissions will deal strictly with Department business. Personnel shall speak clearly and concisely. Courteous and professional demeanor is required at all times on the radio.

Field personnel should keep their radio on whenever practical.

In mutual aid situations officers shall use plain text language and avoid the use of radio codes; as most law enforcement agencies utilize radio codes that are incompatible with that of the other.

##### **424.8 RADIO CODES**

The following radio codes shall be utilized, when applicable, in transmitting:

187 Murder

207 Kidnapping

211 Robbery

242 Battery

245 Assault with deadly weapon

261 Rape

273-A Child neglect

288 Sex crimes against children

311 Lewd literature

314 Indecent exposure

330 Gambling

374 Illegal dumping

415 Disturbance

417-G Man with gun

417-K Man with knife

451 Arson

459 Burglary

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487 Theft -- grand

484 Theft --petty

594 Vandalism

602 Trespassing

647 Vagrant

647(F) Drunk person

653 Loitering

10851 Auto theft

10852 Tampering with auto

20001 Hit & run (with injuries)

20002 Hit & run (no injuries)

23103 Reckless driving

23152 Drunk driver

911 Contact person (to be specified)

914-N Concerned party notified

917 Abandoned vehicle

918 Insane person

918-V Violently insane person

920-C Missing child

920-F Child found

924 Station detail

925 Suspicious person

926 Tow truck needed

927 Suspicious circumstances

927-B Suspicious circumstances - open door/window

928 Found property

929 Person down

996-T Bomb threat

996-F Found explosive device

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Officers should broadcast the following requests verbally, without using a designated numerical Radio Code:

**"Officer Needs Help:"**

This call should be broadcast when immediate aid is required to prevent loss of life and/or serious injury. The requesting Officer should provide his location, unit identification, and other pertinent information, if possible. A specific unit shall be dispatched "Code 3" and other available units in the vicinity should respond as a non-emergency vehicle.

**"Officer Needs Assistance/Back-up:"**

This call should be broadcast when an Officer, in the process of effecting an arrest or quelling a disturbance, is in need of additional aid. The requesting Officer should provide the location, unit identification and all other pertinent information, including the reason for the request, if possible. A specific unit shall be dispatched without delay and nearby units should respond when practical.

**"Officer Requesting an Additional Unit(s):"**

This request should be broadcast when an additional unit is required by an Officer to assist with an investigation. The requesting Officer should include his unit identification, location, unit(s) needed, and all pertinent information.

#### **424.9 TEN CODE SYSTEM**

Use of the "ten code" is not mandatory; however, every employee who uses a radio in his / her job assignment must have a complete knowledge of the system. The following "ten codes" are used in Department radio communication:

Ten 1 Receiving poorly.

Ten 2 Receiving well.

Ten 4 Acknowledgment; O.K..

Ten 5 Relay.

Ten 6 Busy.

Ten 7 Out of service.

Ten 8 In service.

Ten 9 Repeat.

Ten 10 Out of service, subject to call.

Ten 11 Dispatching too rapidly.

Ten 15 Transporting arrestee(s).

Ten 16 Pick up suspect(s).

Ten 17 Pick up papers.

Ten 19 Return to your station.

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Ten 20 What is your location?

Ten 21 Call by phone (Station 90; call your home).

Ten 22 Take no further action last information.

Ten 23 Stand by.

Ten 28 Full registration or record.

Ten 29 Check for wanted.

Ten 29-F Subject is a wanted felon. Use caution, advise when subject in custody and you are ready for crime information.

Ten 29-D Subject is wanted and is considered dangerous, and possibly armed; use extreme caution. Advise when in custody and ready for information.

Ten 29-M Subject is wanted for misdemeanor crime.

Ten 29-V Vehicle reported stolen. Do you have subjects? Advise when ready for information.

Ten 29-H Confidential information regarding your subject, remove subject out of hearing range of radio and advise when ready for information.

Ten 33 Request emergency clearance.

Ten 34 Request routine clearance.

Ten 35 Confidential information.

Ten 36 Correct time.

Ten 37 Identify operator on duty.

Ten 60 Location of alarm activation.

Ten 61 Alarm activating at this time?

Ten 97 Arrived at scene.

Ten 98 Finished with last assignment.

#### **424.10 SUPPLEMENTAL CODES**

The following codes shall be used, when applicable, in transmitting to supplement the "ten code:"

Code 1 Acknowledge receipt of message.

Code 2 Respond immediately, obeying all traffic rules & regulations.

Code 3 Respond with lights and siren.

Code 4 Conditions secure, no further assistance needed.

Code 4-A No further assistance needed at location, suspect at large in area; stand-by for information.

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Code 4-C No further assistance needed; Location secure -- Checked interior of alarmed area.

Code 4-N No further assistance needed; Location secure – Unable to check interior of alarmed area.

Code 5 Stake out – all units stay away unless dispatched by Watch Commander.

Code 6 Out for investigation.

Code 6-A Out for investigation, dispatch one (1) additional unit.

Code 7 Request for out of service to eat (give your location).

Code 8 Fire alarm (bells ringing).

Code 15 Possible employee involved.

Code 30 Silent alarm activation.

Code 77 Use caution, possible ambush.

#### **424.11 PHONETIC ALPHABET**

A - Adam

B - Boy

C - Charles

D - David

E - Edward

F - Frank

G - George

H - Henry

I - Ida

J - John

K - King

L - Lincoln

M - Mary

N - Nora

O - Ocean

P - Paul

Q - Queen

R - Robert

S - Sam

T - Tom

U - Union

V - Victor

W - William

X - X-Ray

Y - Young

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Z - Zebra

## Medical Marijuana

### 425.1 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.

#### 425.1.1 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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#### **425.2 POLICY**

It is the policy of the LASPD to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The LASPD will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

#### **425.3 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.

##### **425.3.1 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.

##### **425.3.2 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.

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Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

#### 425.3.3 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).

#### 425.3.4 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.

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- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
  - 1. The amount of marijuana recommended by a medical professional to be ingested.
  - 2. The quality of the marijuana.
  - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
  - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  - 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

#### 425.3.5 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).

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##### **425.3.6 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).

##### **425.4 FEDERAL LAW ENFORCEMENT**

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

## Bicycle Patrol Program

### 426.1 PURPOSE AND SCOPE

The LASPD has established the Bicycle Patrol Unit (BPU) as an ancillary assignment for the purpose of enhancing campus patrol efforts on school campuses and safe passages. The Bicycle Patrol Unit has been shown to be an effective way to increase officer visibility, response, 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 Bicycle Patrol Unit.

### 426.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the Campus Patrol bicycle will emphasize their mobility and visibility to the school campus community.

Bicycles may be deployed according to Department needs and as staffing levels allow.

Requests for specific deployment of the Bicycle Patrol Unit shall be coordinated through the Bicycle Patrol Unit Program supervisor.

### 426.3 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

### 426.4 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. Riding gloves, protective eyewear and approved footwear shall be obtained at the officer's expense.

The Bicycle Patrol uniform consists of a Department-approved shirt, and Department-approved Bicycle Patrol pants or shorts.

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.

### 426.5 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a Department Patrol Bicycle.

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Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Patrol bicycles shall be equipped with front and rear reflectors and may be equipped with 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 and citations.

Each bicycle may 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 Patrol 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, etc.).

The bicycle shall be kept clean and ready for duty. 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 to be performed by a Department approved repair shop/technician.

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, when practicable to do so. At no time is a member expected to jeopardize his/her safety in order to secure the bicycle.

#### **426.6 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.

## Foot Pursuits

### 427.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

#### 427.1.1 POLICY

It is the policy of this Department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

### 427.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

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- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

#### **427.3 GENERAL GUIDELINES**

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

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- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

#### **427.4 RESPONSIBILITIES IN FOOT PURSUITS**

##### 427.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

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##### **427.4.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

##### **427.4.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

##### **427.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

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

##### **427.5 REPORTING REQUIREMENTS**

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.

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1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
  - (g) Arrestee information, if applicable.
  - (h) Any injuries and/or medical treatment.
  - (i) Any property or equipment damage.
  - (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

## Homeless Persons

### 428.1 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 LASPD recognizes that members of the homeless community are often in need of special protection and services. The LASPD will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

#### 428.1.1 POLICY

It is the policy of the LASPD 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.

### 428.2 HOMELESS COMMUNITY LIAISON

The Chief of Police may designate a member of this Department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all Department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
  1. Proper posting of notices of trespass and clean-up operations.
  2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this Department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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#### **428.3 FIELD CONTACTS**

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

##### **428.3.1 OTHER CONSIDERATIONS**

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

#### **428.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be

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taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When 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.

#### **428.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

#### **428.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

# SCHOOL SAFETY OFFICER FUNCTION

## 429.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions and purpose of School Safety Officers (SSOs) to ensure intra-Department focus, directions, and cooperation in fulfilling the primary purpose and mission of the LASPD.

It is the policy of the Los Angeles School Police Department to partner with the staff of the Los Angeles Unified School District to provide a safe and tranquil learning environment to promote and facilitate the learning process. The LASPD is also committed to promote a safe environment for students and faculty to interact in a positive manner to improve student achievement.

### 429.1.1 DEFINITION

**Campus Security Model** - The LASPD deploys School Safety Officers (SSOs) to provide unarmed uniformed security services to LAUSD campuses. SSOs may be assigned to specific high schools, middle schools, Adult School Program, Parking Enforcement, or administrative security details (e.g., LAUSD Administrative Headquarters, LASPD Headquarters, etc.). The School Safety Officer program is designed to provide security service in a campus environment to work with students, staff, and parents to create a safe school community. The SSO is an integral part of the local school community to identify safety and security issues on LAUSD campuses.

**Campus School Safety Officers** - Are assigned to specific campuses to provide basic security services. The SSOs are an integral part of the school campus team using a service based and collaborative approach to identify and address safety and security issues affecting students, staff and LAUSD property protection. SSOs regularly communicate and coordinate with the campus administration to improve campus safety and security.

**Adult School Program** - Are assigned to specific campuses in the Adult School Program to provide basic security services. The SSOs are an integral part of the school campus team using a service based and collaborative approach to identify and address safety and security issues affecting students, staff and LAUSD property protection. SSOs regularly communicate and coordinate with the campus administration to improve campus safety and security.

**Parking Enforcement** – School Safety Officers are assigned to address county and municipal codes specifically relating to safety issues involving students and staff around school campuses.

**Administrative Security Details** - School Safety Officers are assigned to various administrative security details (e.g., LAUSD and LASPD Headquarters, Board Room Details, etc.) to provide unarmed uniformed security to facilitate the normal business operations of the LAUSD.

## 429.2 SCHOOL SAFETY OFFICERS

School Safety Officers may be assigned to LASPD Bureaus or Offices, whether the assignment is permanent, part-time, temporary, backfill, or overtime. The following are, but not limited to, responsibilities and functions of LASPD personnel assigned as a School Safety Officer. School Safety Officers should:

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- (a) Maintain a highly visible presence during their assignment(s):
  - 1. On the school campus they are assigned, specifically during the school's nutrition and lunch breaks.
  - 2. On and immediately around the school perimeter they are assigned, specifically as students are arriving to school and during the school's dismissal(s).
  - 3. Directed parking enforcement around school campuses and facilities.
  - 4. At Administrative offices and high traffic areas (e.g., LAUSD and LASPD Headquarters, Board Room Details, etc.).
- (b) Respond to and handle requests for service at the school they are assigned.
- (c) Immediately, or as soon as practicable, notify the LASPD Watch Commander's Office of ANY evidence, found/recovered property, and or contraband (etc.) recovered.
  - 1. School Safety Officers shall not dispose of or destroy evidence, found/recovered property, and or contraband (etc.).
  - 2. Retain administrative control of any evidence, found/recovered property, and or contraband (etc.) until relieved by a sworn police officer.
- (d) Sign in daily on a time sheet maintained in the Main Office of the school they are assigned.
- (e) Work closely with the school administration to:
  - 1. Identify and address safety and security issues.
  - 2. Regularly discuss and communicate issues affecting student, staff, and school safety with the school administration and LASPD Police Officers.
  - 3. Attend school faculty meetings to discuss school safety issues.
  - 4. Assist in conducting school safety drills/exercises (e.g., earthquake, fire, etc.).
  - 5. Enhance communication between students, LAUSD staff, parents, and the LASPD.
- (f) Communicate with the school administration when the SSO will be absent or unavailable from the campus for an extended period of time, such as, but not limited to:
  - 1. Training.
  - 2. Vacation and or pre-planned leave of absence
- (g) Actively familiarize themselves with the campus Safe School Plan (Education Code §§ 32280, 32281(b)(3), 32282).
- (h) School Safety Officers assigned an office at a school shall ensure the following:
  - 1. Evidence, found/recovered property, and or contraband (etc.) are not left in the Office.

#### **429.3 SUPERVISOR RESPONSIBILITIES**

School Safety Officers may be supervised by Supervising School Safety Officers or LASPD Sergeants. Supervisors who have School Safety Officers assigned to them should:

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- (a) Identify and respond to service requests from school campuses, ESC Operations Coordinators, etc.
- (b) Foster and improve communication and working relationships between School Safety Officers and school administration/ESCs by:
  - 1. Meeting regularly with the SSOs assigned to their geographical area to discuss needs, expectations, concerns/issues, etc.
  - 2. Meeting regularly with the Principals within their geographical area to discuss school campus security/safety needs, SSO duties and expectations, and improving customer service.
  - 3. Meeting regularly with the LAUSD Educational Service Center(s) Operations Coordinators within their geographical area to discuss school campus security/safety needs, SSO duties and expectations, and improving customer service.
- (c) Ensure SSOs are working collaboratively with the schools' administration in identifying and addressing security/safety needs.
- (d) Regularly attend Principals' Meetings.

## CIVILIAN SUPPORT STAFF FUNCTION

### 430.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions and purpose of the Civilian Support Staff to ensure intra-Department focus, directions, and cooperation in fulfilling the primary purpose and mission of the LASPD.

It is the policy of the Los Angeles School Police Department to partner with the staff of the Los Angeles Unified School District to provide a safe and tranquil learning environment to promote and facilitate the learning process. The LASPD is also committed to promote a safe environment for students and faculty to interact in a positive manner to improve student achievement.

#### 430.1.1 DEFINITION

Clerical Staff – May be assigned to Bureaus, Offices, Divisions, or Units within the LASPD. Clerical staff (e.g., Senior Office Technicians, Secretaries, Data Analysts, Administrative Assistants, etc.) is an integral part of the LASPD team using a service based and collaborative approach to fulfill a variety of staff assignments (e.g., Payroll, Budget, Citation/Subpoena Control, Records Unit, administrative/clerical, etc.).

Police Communication Representatives/Senior Police Communication Representatives - Are assigned to the Support Services Bureau, Communication Services Division. The Police Communication Representatives (PCRs) and the Senior PCRs are an integral part of the LASPD team using a service based and collaborative approach to respond to safety issues and public concerns affecting students, staff and LAUSD property protection. PCRs/Senior PCRs regularly communicate and coordinate with LAUSD personnel, LASPD personnel, the public, and outside law enforcement agencies regarding student and campus safety issues and concerns.

### 430.2 CIVILIAN SUPPORT STAFF

Civilian Support Staff may be assigned to LASPD Bureaus, Offices, Divisions, or Units, whether the assignment is permanent, part-time, temporary, backfill, or overtime. The following are, but not limited to, responsibilities and functions of LASPD personnel assigned as Civilian Support Staff. Civilian Support Staff shall:

- (a) Respond to and handle requests for service in their area of responsibility/ assignment.
- (b) Regularly discuss and communicate issues affecting student, staff, and school safety with the school administration and LASPD Police Officers.
- (c) Foster a collaborative problem solving environment with their co-workers to improve customer service with LAUSD personnel, LASPD personnel, the public, and outside law enforcement agencies.
- (d) Enhance communication between students, LAUSD staff, parents, and the LASPD.
- (e) Sign in daily on a time sheet.

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#### **430.3 SUPERVISOR RESPONSIBILITIES**

Supervisors and or Commanding Officers who have Civilian Support Staff assigned to them shall:

- (a) Identify and respond to service requests for Civilian Support Staff.
- (b) Foster and improve communication and working relationships between Civilian Support Staff, the LASPD, and the LAUSD by:
  - 1. Meeting regularly with the Civilian Support Staff assigned to them to discuss needs, expectations, concerns/issues, etc.
  - 2. Improving customer service.
- (c) Ensure Civilian Support Staff are working collaboratively with internal and external customers (e.g., LAUSD/LASPD personnel, the public, outside agencies, etc.) in their respective areas of responsibility.

# ADULT SCHOOL SECURITY OFFICER FUNCTION

## 431.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions and purpose of Adult School Security Officers to ensure intra-Department focus, directions, and cooperation in fulfilling the primary purpose and mission of the LASPD.

It is the policy of the Los Angeles School Police Department to partner with the staff of the Los Angeles Unified School District to provide a safe and tranquil learning environment to promote and facilitate the learning process. The LASPD is also committed to promote a safe environment for students and faculty to interact in a positive manner to improve student achievement.

### 431.1.1 DEFINITION

Adult School Security Officer - The LASPD deploys Adult School Security Officers to provide unarmed uniformed security services to LAUSD Adult School campuses. Adult School Security Officers may be assigned to specific schools within the LAUSD Adult School Program. The Adult School Security Officer program is designed to provide security service in a campus environment to work with students, staff, and parents to create a safe school community. The Security Officer is an integral part of the local Adult School community to identify safety and security issues on LAUSD campuses.

## 431.2 ADULT SCHOOL SECURITY OFFICERS

Adult School Security Officers are assigned to the Support Services Bureau, Operations Support Division, whether the assignment is part-time or temporary. The following are, but not limited to, responsibilities and functions of LASPD personnel assigned as an Adult School Security Officer. Adult School Security Officers shall:

- (a) Maintain a highly visible presence during their assignment(s):
  1. On the school campus they are assigned, specifically during the Adult School's breaks.
  2. On and immediately around the Adult School perimeter they are assigned, specifically as students are arriving to school and during the school's dismissal.
- (b) Respond to and handle requests for service at the Adult School they are assigned.
- (c) Immediately, or as soon as practicable, notify the LASPD Watch Commander's Office of ANY evidence, found/recovered property, and or contraband (etc.) recovered.
  1. Adult School Security Officers shall not dispose of or destroy evidence, found/recovered property, and or contraband (etc.).
  2. Retain administrative control of any evidence, found/recovered property, and or contraband (etc.) until relieved by a sworn police officer.
- (d) Sign in daily on a time sheet maintained in the Main Office of the Adult School they are assigned.
- (e) Work closely with the school administration to:

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1. Identify and address safety and security issues.
  2. Regularly discuss and communicate issues affecting student, staff, and school safety with the school administration and LASPD Police Officers.
- (f) Actively familiarize themselves with the campus Safe School Plan (Education Code §§ 32280, 32281(b)(3), 32282).
- (g) Adult School Security Officers assigned an office at a school shall ensure the following:
1. Evidence, found/recovered property, and or contraband (etc.) are not left in any Adult School offices (see Policy § 469.2(c)).
  2. Any assigned work stations/areas are maintained in a neat and professional business environment.

#### **431.3 SUPERVISOR RESPONSIBILITIES**

Field supervisors who have Adult School Security Officers assigned to them shall:

- (a) Identify and respond to service requests from Adult School Program campuses, ESC Operations Coordinators, etc.
- (b) Foster and improve communication and working relationships between Adult School Security Officers and Adult School administration by:
  1. Meeting regularly with the Adult School Security Officers assigned to their geographical area to discuss needs, expectations, concerns/issues, etc.
  2. Meeting regularly with the Adult School Principals within their geographical area to discuss school campus security/safety needs, Adult School Security Officer duties and expectations, and improving customer service.

## Crisis Intervention Incidents

### 432.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 432.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 432.2 POLICY

The LASPD is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 432.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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#### **432.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate Commanding Officer to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **432.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
  - 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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#### **432.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **432.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

#### **432.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Commanding Officer.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **432.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

##### **432.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

#### **432.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS**

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

#### **432.11 EVALUATION**

The Commanding Officer designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to

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these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

#### **432.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

## Public Recording of Law Enforcement Activity

### 433.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 433.2 POLICY

The LASPD 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.

### 433.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 433.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **433.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

#### **433.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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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

### 434.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 434.2 POLICY

The LASPD 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.

### 434.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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##### **434.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

##### **434.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

##### **434.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### **434.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 434.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with District government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

#### 434.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### 434.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### 434.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and 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.

#### **434.8 ARRESTS**

The LASPD 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).

#### **434.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

##### **434.9.1 MEDIA ACCESS**

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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#### **434.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

#### **434.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

##### 434.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with District legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

#### **434.12 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.

## Civil Disputes

### 435.1 PURPOSE AND SCOPE

This policy provides members of the LASPD 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.

### 435.2 POLICY

The LASPD 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.

### 435.3 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.

### 435.4 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

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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.

#### **435.4.1 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.

#### **435.5 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.

#### **435.6 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.

# Suspicious Activity Reporting

## 436.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 436.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 436.2 POLICY

The LASPD recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 436.3 RESPONSIBILITIES

The Investigation Divisions Commanding Officer and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Divisions Commanding Officer include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **436.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

#### **436.5 HANDLING INFORMATION**

The Records Unit will forward copies of SARs, in a timely manner, to the following:

- Investigations Division supervisor
- Crime Analysis Unit
- Other authorized designees

## Medical Aid and Response

### 437.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

### 437.2 POLICY

It is the policy of the LASPD that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 437.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. Number of patients, sex, and age, if known.
  4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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#### **437.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **437.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **437.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

#### **437.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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The Campuses Services Commanding Officer should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **437.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

##### **437.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles shall check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance, and entering malfunction reasons on ARCH. In addition to the beginning of shift check, members are required to complete an online readiness

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check every 30 days via [www.onlineoversight.com/home](http://www.onlineoversight.com/home) in accordance with LASPD Training Bulletin 210.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer, and members shall create an AED usage event in ARCH.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

#### **437.8.2 AED REPORTING**

Any member using an AED will complete an LASPD InjuryReport detailing its use, and create an AED Usage Event in Arch as soon as practical.

#### **437.8.3 AED TRAINING AND MAINTENANCE**

The Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

### **437.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

The purpose of this policy is to provide uniformity and guidance in the administration of the Naloxone Hydrochloride (Naloxone) intranasal spray program (opioid antagonist, commonly distributed under the trade name "NARCAN"). Naloxone is a lifesaving medication used to reverse respiratory and central nervous system depression, a side effect from the use of opioids. Naloxone can be dosed or administered in many forms. The only form approved by the Los Angeles School Police Department (LASPD) is Narcan Nasal Spray. Trained personnel will be issued one box containing two (2) (4mg/0.1ml) dose of Naloxone Hydrochloride nasal spray. Each Narcan device is ready to use right out of the box and designed to be used one time only. This memorandum establishes the training criteria and requirement to equip Department personnel with Narcan, to assist with the medical emergency of an opioid (i.e., heroin, fentanyl, hydrocodone, oxycodone, morphine, etc.) overdose.

#### **437.9.1 TRAINING**

The Los Angeles County Emergency Medical Services Agency, Medical Director authorizes the Los Angeles School Police Department to possess and administer Narcan Nasal Spray. Department personnel are required to be trained in the use of Narcan Nasal Spray prior to possessing and administering it in the course and scope of their duties. Training should comply with Title 22 CCR 100019 requirements and any applicable California Commission on Peace Officer Standards and Training (POST) (Civil Code §1714.22).

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Department personnel shall complete Department approved Naloxone training from an approved Department trainer. For purposes of this Memorandum, a Department approved trainer is a person who has received "train the trainer" instruction and is First Aid/CPR trained via POST standards, or who holds a current Emergency Medical Technician (EMT) certification.

Initial training shall be in person and consists of a Department approved video, power point presentation, competency verification for skill sets and procedures, skill sheet, and written examination with a score of 80 percent to pass. Annual training does not need to be in person (i.e., Department approved training video).

#### 437.9.2 ALL TRAINED PERSONNEL RESPONSIBILITIES

Department personnel who have been trained and are equipped with Narcan, shall adhere to the following procedures:

- (a) **REQUIREMENT TO EQUIP** - Department personnel who have successfully completed the necessary Department training on the use of Narcan can be issued one Naloxone kit and shall secure it in the glove compartment of the employees assigned vehicle while working field operations.
- (b) **OPIOID OVERDOSE MEDICATION MAINTENANCE** - Department personnel shall ensure Naloxone kits are:
  - Inspected at the beginning of their shift to ensure they are serviceable and not expired. Any expired Naloxone kits should be removed from service and given to the Naloxone Program Coordinator.
  - Protected from light and are not frozen.
  - Kept in the sealed package until ready to use.
- (c) **ADMINISTRATION** - When trained and equipped Department personnel encounter a person suffering or perceived to be suffering from an opioid overdose, and elect to provide immediate medical intervention prior to the arrival of emergency medical services, Department personnel shall:
  - Ensure that a rescue ambulance has been requested.
  - Ensure the scene is safe and free of hazards in the immediate area.
  - Maintain precautions against blood borne and respiratory pathogens.
  - Conduct a patient assessment to determine if the patient is unconscious and/or responsive, and absent of breath or pulse.
  - Perform CPR/First Aid as required.
  - Check for signs or evidence of opioid overdose (pinpoint pupils, drowsy/nodding off, slow or weak pulse, shallow breathing, blue lips/fingernails, snoring/gurgling sound, syringes, "track marks" etc.).
  - Deploy Narcan Nasal Spray in accordance with Department training.

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- If Narcan is deployed, dispose of any used Narcan device(s) in the Rescue Ambulance's biohazard container and obtain a replacement device from the Naloxone Program Coordinator.
  - Narcan Nasal Spray shall only be administered on adults and children, and shall not be administered on infants (under one year of age). The nasal spray does not have any adverse effects if the cause of unconsciousness is not opioid related.
- (d) **REPORTING** - After Narcan Nasal Spray has been administered, whether successful or not, Department personnel shall:
- Brief fire/paramedic personnel what time Narcan Nasal Spray was administered and any change in the patient's condition.
  - Notify the Watch Commander when Narcan is administered.
  - Detail the use of Narcan Nasal Spray on a Naloxone Administration Report (NAR). If an arrest is involved, refer to the NAR in the "medical treatment/injuries" heading of the arrest report.
- (e) **REPORT SUBMISSION** - The completed report shall be faxed to District Nursing (213) 580-6557 and submitted to their supervisors. Supervisors will then forward a copy of the NAR to the Naloxone Program Coordinator. The NAR is a confidential report for use by the Los Angeles Unified School District attorney's and the Office of Risk Management. No copies of this report shall be furnished to anyone including employees, students, or parents without permission from the Office of the General Counsel.
- (f) **LIABILITY** - California Civil Code Section 1714.22(£) provides that persons who are trained in accordance with the requirements of California Health and Safety Code Section 1797.197, and who act with reasonable care and in good faith in administering Narcan to a person experiencing or suspected of experiencing an opioid overdose shall not be subject to professional review, liable in a civil action, or subject to criminal prosecution for such administration. A Department employee's decision whether or not to administer Narcan shall not be the sole basis to initiate a complaint or frame an additional allegation of negligence. No adverse employment action shall arise from a deviation of any Naloxone policy, procedure or training, unless the allegation(s) involve serious misconduct.

See attachment: [LASPD Naloxone Administration Report.pdf](#)

#### 437.9.3 COMMANDING OFFICER'S RESPONSIBILITIES

- Ensure Department personnel adhere to the policies and procedures regarding the use and deployment of Narcan in addition to updated procedures.
- Assign a supervisor to investigate any evidence of grossly negligent, willful damage or loss of Naloxone kits.

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##### 437.9.4 SUPERVISOR'S RESPONSIBILITIES

- When notified of any missing or damaged Naloxone kits, investigate for evidence of gross negligence or willfulness in accordance with Department Manual 318.4.9 (i), and ensure that appropriate reports and/or corrective actions are taken.
- Ensure that Department personnel maintain and have the Naloxone kit readily available during assigned field duties.
- Notify the Naloxone Program Coordinator for the replacement of missing, damaged, expired, or used Narcan device(s).

##### 437.9.5 WATCH COMMANDER'S RESPONSIBILITIES

Record the overdose incident and use of Naloxone on Watch Commander's Daily Log.

##### 437.9.6 NALOXONE PROGRAM COORDINATOR'S RESPONSIBILITIES

- Naloxone Program Coordinator (Department Training Sergeant) shall:
  - Ensure that Department personnel receive Department approved Naloxone training prior to its deployment and use in the field.
  - Ensure Department Personnel receive annual Naloxone training
  - Provide Department Personnel annual training in the use and deployment of Naloxone through roll calls, supervisory training, divisional training days, formal in-service training or by viewing the Department approved training video.
  - Document the training and the acknowledgement of training for each Department personnel in the Training Management System (TMS).
  - Provide regular briefings to the watch commanders and commanding officers regarding deviations in policies and procedures and the corrective actions taken.
  - Evaluate Narcan device that are being issued to ensure the expiration dates located on the bottom of the boxes are not expired prior to issuance.
  - Review NARs and arrest reports documenting Naloxone usage to track program implementation and success.
  - Naloxone Program Coordinator (Training Sergeant) will Track Naloxone usage and report in EMS public Safety Registry accordingly.
  - Provide Los Angeles Fire Department Training Coordinator with all NAR every quarter.

##### **437.10 FIRST AID TRAINING**

The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

##### **437.11 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

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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.

## **Chapter 5 - Traffic Operations**

## Vehicle Towing and Release

### 500.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the LASPD. Nothing in this policy shall require the Department to tow a vehicle.

### 500.2 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.

#### 500.2.1 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.

#### 500.2.2 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).

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.

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##### **500.2.3 DRIVING A NON-DISTRICT 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.

##### **500.2.4 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.

#### **500.3 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

#### **500.4 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

## Vehicle Impound Hearings

### 501.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

### 501.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the LASPD, 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) and 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)).

#### 501.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(d)). The Division Commanding Officer 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) and 22852(b)(4)).

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) and 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 14608(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this Department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
  - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Commanding Officer. The hearing officer will recommend to the appropriate Commanding Officer that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

## Impaired Driving

### 502.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

### 502.2 POLICY

The LASPD is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

### 502.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

### 502.4 FIELD TESTS

The Training Unit Supervisor should identify the standardized field sobriety tests (SFSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

### 502.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 502.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is

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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)).

#### 502.5.2 BREATH TEST

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.

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)).

#### 502.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### 502.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the

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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.

#### 502.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

#### 502.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

#### 502.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

#### **502.6 REFUSALS**

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

#### 502.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of

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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.

#### 502.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
  1. This dialogue should be recorded on audio and/or video if practicable.
- (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.

#### 502.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

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##### **502.7 RECORDS UNIT RESPONSIBILITIES**

The Administrative Services Division will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

##### **502.8 TRAINING**

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

##### **502.9 ARREST AND INVESTIGATION**

###### **502.9.1 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.

###### **502.9.2 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

### 503.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 503.2 RESPONSIBILITIES

The Commanding Officer, Administrative Services Division (Custodian of Records) 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.

We recognize that our principal duty obligation rests with protecting the District's students, employees, and community members living in proximity to our schools, as well as campuses, learning centers, and other physical venues. However, we also recognize that as uniformed police officers driving conspicuously marked police vehicles, we have a concomitant responsibility to enforce all the laws of our State and the cities that we serve.

All LASPD officers, working in uniform and driving police vehicles equipped with emergency equipment, may stop and cite traffic violators whenever the officer believes the enforcement action is appropriate. Officers working in plain clothes or driving vehicles that do not have emergency equipment should request a marked unit to conduct a traffic stop.

### 503.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Commanding Officer, Administrative Services Division. Upon a review of the circumstances involving the issuance of the traffic citation, the Chief of Police or designee may request dismissal of the traffic citation. 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 Division Commanding Officer for review.

### 503.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve

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the voiding of the citation. The citation and copies shall then be forwarded to the Commanding Officer, Administrative Services Division.

#### **503.5 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a Citation Correction Form to his/her immediate supervisor. The citation and correction form shall then be forwarded to the Records Unit. The Records Unit shall forward the Citation Correction Form to the court having jurisdiction and to the recipient of the citation.

#### **503.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Unit.

#### **503.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

##### **503.7.1 APPEAL STAGES**

Appeals may be pursued sequentially at Twelve different levels:

- (a) Administrative reviews are conducted by the Commanding Officer of the Division of occurrence, who will review written/documentary data. Requests for administrative reviews are available at the front desk or Records Unit of the Los Angeles School 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 company.
- (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. The Administrative Services Division Commanding Officer shall review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

##### **503.7.2 TIME REQUIREMENTS**

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

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- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

#### **503.7.3 COSTS**

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

#### **503.8 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

#### **503.9 NOTICE TO CORRECT VIOLATIONS**

The LASPD regularly engages in the enforcement of the Vehicle Code. LASPD employees are authorized to certify a corrected Notice to Correct Violations [Vehicle Code §§ 40610-40618] as outlined in Vehicle Code § 40616 only when on-duty.

## Policy for Issuance of Parking Citations

### 504.1 POLICY FOR ISSUANCE OF PARKING CITATIONS

Always verify that the area is properly posted, time limits indicated and the correct section is being cited.

### 504.2 COMPLETING PARKING CITATIONS

If a person with a possessory interest in a vehicle refuses to remain while an employee completes a parking citation, the employee shall record the license number and allow the person to drive the vehicle away. The employee shall complete the citation, deposit the court copy in the normal manner, and mail the violator's copy to the registered owner. If the vehicle is subject to impound due to a registration or citation delinquency, the employee may refuse to allow the person to remove the vehicle.

### 504.3 RESTRICTED PARKING ZONES – ENFORCEMENT

When a citation is issued for parking in any of the following types of zones, the citing section shall be the applicable section of the Los Angeles Municipal Code:

- A. White loading zones stenciled "Passenger Loading Only."
- B. Yellow loading zones stenciled "Passenger cars only-15 minute limit."
- C. Green parking zones stenciled "Passenger cars only-15 minute limit."
- D. Red zones stenciled "No standing."

The specific violation shall be identified by indicating the color of the zones in the citation notes.

### 504.4 COMMERCIAL VEHICLES DEFINED

For purposes of enforcing traffic regulations, all motor vehicles bearing California commercial license plates shall be considered commercial vehicles.

### 504.5 COMMERCIAL VEHICLE PRIVILEGE

A commercial vehicle may stop in a loading zone for the purpose of loading or unloading only. A commercial plate gives no privilege for parking in any zone.

### 504.6 TEMPORARY ZONE

When a parking citation is issued for a violation of a temporary "no parking" sign, the citation should note that it is as a temporary sign and what the sign stated.

### 504.7 EXPIRED REGISTRATION OF MORE THAN ONE (1) YEAR

Employees discovering a vehicle on a highway or public land with expired registration of more than six (6) months, a violation of 22651(o)(1)(a) CVC, may impound the vehicle and place a hold until the owner presents proof of current registration. If the vehicle is occupied, only an Officer may order the impound and hold. In either event, a citation (Notice to Appear) shall not be issued for 4000(a)(1) CVC, expired registration.

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##### **504.8 IMPOUNDING ABANDONED VEHICLES**

Vehicles marked as abandoned shall be impounded only after it has been established the vehicle has not been moved in the past seventy-two (72) hours. Employees ordering an impound of a vehicle as abandoned shall note all circumstances documenting the lack of movement and issue a parking citation for the appropriate Municipal Code violation.

##### **504.9 VEHICLES BLOCKING DRIVEWAYS-COMPLAINTS**

Department policy regarding the citing and towing of vehicles blocking driveways is as follows:

- (a) When a car is parked in such a manner that a portion of the vehicle extends into a driveway, but does not prevent ingress or egress of the driveway by a vehicle driving on the paved driveway apron, it is issued a citation.
- (b) If the driveway is blocked to such an extent that in order for a vehicle to enter or leave, it must drive on the parkway or drive over the curb, the violator is cited and towed. Before towing the vehicle, the employee shall initiate a query of Department of Motor Vehicle records for the registered and legal owner. If either party may be located within close proximity (one or two blocks), the employee shall attempt to contact him and request that they move the vehicle.

##### **504.10 IMPOUNDING/STORING AN ARRESTEE'S VEHICLE**

Vehicle Code Section 22651(h) authorizes an Officer to impound or store an individual's vehicle when the individual is physically arrested.

When possible, and with the arrestee's permission, the arrestee's vehicle should be secured at the scene of his arrest. An Officer should only impound and place a "hold" on an arrestee's vehicle when the vehicle itself was used in the commission of the crime, or when the vehicle contains evidence which will require special processing. The operating employee shall explain why the "hold" was necessary in the narrative portion of the related offense report.

## **Chapter 6 - Investigation Operations**

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

### 600.2 POLICY

It is the policy of the LASPD to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

### 600.3 INITIAL INVESTIGATION

#### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  1. An initial statement from any witnesses or complainants.
  2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Sergeant.
  4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  5. Collect any evidence.
  6. Take any appropriate law enforcement action.
  7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

#### 600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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#### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

##### 600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

##### 600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

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- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

#### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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##### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

##### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

###### **600.7.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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##### 600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

##### **600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY**

The Investigation Divisions Commanding Officer is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
  1. The purposes for which using cellular communications interception technology and collecting information is authorized.
  2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
  3. Training requirements necessary for those authorized employees.
  4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
  5. Process and time period system audits.
  6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
  7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
  8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

##### **600.9 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Commanding Officer or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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##### **600.10 TAPE RECORDINGS-REQUESTS FOR DUPLICATION**

Requests for duplication of tape recorded transmissions shall be for investigative purposes only. As a result, duplication requests are limited to Department management, supervisory, or Detective level personnel. Requests shall not be granted for individual or personal use.

Court ordered subpoenas requesting duplication of Department tape recorded transmissions shall be processed by the Department's Custodian of Records.

Department personnel requiring a duplication of tape recorded transmissions, shall complete a "Request for Duplication of Police Radio/Telephone Transmissions" form and submit the request form to the Administrative Services Division Assistant Chief for approval.

All requests for duplication of radio or telecommunications transmissions require the permission of the Assistant Chief in charge of the Administrative Services Division or Chief of Police. Should there be a need to expedite the request, a telephonic approval shall be obtained prior to the duplication of the requested transmissions.

##### **600.11 INTERVIEW AND RELEASE OF PUPILS FROM SCHOOL TO LAW ENFORCEMENT OFFICERS**

Law Enforcement Officers have the power and authority to interview students who are suspects or witnesses while those students are at school. Section 48913 of the Education Code, authorizes the release of a student to a Peace Officer. Officers should, whenever possible, notify school personnel beforehand of the pending interview or when removal of the student from school is necessary.

##### **600.12 ARRESTING OFFICER RESPONSIBILITY**

An arrest is "taking a person into custody, in a case and in the manner authorized by law." Since custody involves a guardianship relationship, an Officer must maintain a physical presence with an arrestee until the person is released on a signed promise to appear or safely delivered to the control of jail personnel.

Prior to booking any persons for a misdemeanor or felony charge, the arresting Officer shall advise the Watch Sergeant or his supervisor. The arresting Officer shall provide the supervisor with the arrestee's charges and a synopsis of the circumstances surrounding the arrest. Any special incidents which may have occurred during or subsequent to his apprehension including, but not limited to, altercation, injury, or special medical conditions shall be related.

##### **600.13 ARREST OF ARMED FORCES PERSONNEL**

An Officer arresting a member of the armed forces shall include the following in the arrest report:

- A. The arrestee's name, rank, and serial number.
- B. The arrestee branch of service.
- C. The arrestee's unit and duty station.
- D. Whether the arrestee was in military uniform or civilian attire.
- E. The arrestee's duty status, i.e., on pass, absent without leave, traveling on orders.

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#### **600.14 DETENTION OF SWORN PERSONNEL FROM OUTSIDE LAW ENFORCEMENT AGENCY**

When a sworn member of an outside law enforcement agency is detained for a prosecutable offense, the following shall apply:

- A. Notifications.
  - 1. Watch Sergeant
  - 2. Supervisory personnel of concerned agency.
- B. Preliminary investigation.
  - 1. Field Supervisor's Responsibility.

Respond to the scene of the incident and ensure that the preliminary investigation is conducted in a proper manner.

    - a. The scope of the investigation shall be the same as that conducted for a private detained under similar circumstances.
    - b. If required, take or have the individual taken into custody.
    - c. Take action to prevent aggravation of the incident.

#### **600.15 PROBABLE CAUSE HEARING DECLARATION**

On May 13, 1991, the United States Supreme Court decided County of Riverside BS McLaughlin. This decision required a judicial determination of probable cause for arrests made without a warrant within 48-hours of the arrest. The 48-hour computation does not exclude Saturdays, Sundays, or holidays.

Since this decision, the Los Angeles County Sheriff's Department has been releasing inmates from County Jail whenever this time limit has been reached and the inmate has not received the required judicial review. In addition, due to the high volume of inmates, the Sheriff's Department can not notify the arresting agency of the impending release of their respective prisoner. Therefore, it becomes the responsibility of each agency to track their arrestees and ensure compliance with the law.

All agencies within our jurisdiction were contacted regarding this responsibility. Although each agency is handling the processing of the declaration somewhat differently, all have agreed to process our crime reports and have ensured that judicial review is accomplish and that the Sheriff's Department is properly notified. Furthermore, they will track our arrestees to ensure compliance.

#### **600.16 CASE CLARENCE POLICY**

Case clearance requirements are based on the Federal Bureau of Investigations (FBI) Crime Reporting guidelines. While interpretation of these guidelines may vary, the requirements are not subject to revision or alteration on a local basis.

- A. CLEARED BY ARREST-ADULTS  
Shall indicate that an adult is arrested and charged with the commission of the offense based upon the crime report; or the matter is set for a District or City Attorney hearing.
- B. CLEARED BY ARREST-JUVENILES  
Shall indicate that a juvenile is identified as the perpetrator and a petition is requested; or the juvenile is referred to another agency; or the juvenile is counseled and released.

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C. INVESTIGATION CONTINUED

Shall indicate that the case has not been cleared or unfounded and no other case status applied.

**600.17 ADMISSIONS-GRAND THEFT AUTO (GTA)**

Admissions are very important in stolen vehicle cases because prosecutions are no longer possible for Grand Theft Auto (GTA) unless the suspect can be positively identified as the person who stole the car. Mere possession of a stolen vehicle can only be prosecuted as joy-riding (10851 CVC).

**600.18 PROSECUTIONS-GRAND THEFT AUTO AND JOY-RIDING**

Prosecution for GTA (487(h) P.C.) is in the jurisdiction where the theft occurred. Prosecution for joy-riding (10851 CVC) is in the jurisdiction where the suspect is apprehended.

# 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 LASPD 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.

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##### **601.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

##### **601.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations 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.

##### **601.6 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.

##### **601.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic

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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.

#### 601.7.1 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).

#### 601.7.2 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).

#### **601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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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.

#### 601.8.1 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).

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.

#### 601.8.2 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

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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).
  - 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.

#### 601.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The XXXXXXXX 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).

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##### **601.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigations 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.

##### **601.10 CASE REVIEW**

The Investigations 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.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

## Asset Forfeiture Policy

### 602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

### 602.2 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).

### 602.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a detective. The following guidelines will be observed:

- (a) The seizing officer or the 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 in the Criminal Investigations Section, for review.
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income and other resources. The interviewing officer shall ensure that *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.
- (d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.
- (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.

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##### 602.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen.

The property will be booked 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. Other evidence from the case should not be booked on this form.

##### 602.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The officer counting and supervisor verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Currency seized will be given to and retained by Administrative Services Division Budget Services Supervisor, for deposit into the Asset Forfeiture Account. If there is a need to book the currency into evidence/property, the currency will be booked following the local county or municipal law enforcement agency procedures. The seizing officer shall notify the Campus Services Bureau or Support Services Bureau, Commanding Officer of the booked currency and the circumstances of the seizure as soon as possible.

##### 602.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

A tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

#### **602.4 ASSET FORFEITURE LOG**

A computerized inventory of all asset forfeiture cases shall be kept in the Local Law Enforcement Jurisdiction. The inventory shall include the following:

- Report number.
- Date of seizure.
- Value.
- Type of seizure (federal or state).

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- Status of the seizure.

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

#### **602.5 PROCEEDS FROM FORFEITURE**

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

## Eyewitness Identification

### 603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

#### 603.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### 603.2 POLICY

The LASPD will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### 603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### 603.4 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.

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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).

#### **603.5 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.

##### **603.5.1 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).

#### **603.6 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.

##### **603.6.1 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

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concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

#### **603.7 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.
- (b) Assess whether a witness should be included in a field identification process by considering:
  1. The length of time the witness observed the suspect.
  2. The distance between the witness and the suspect.
  3. Whether the witness could view the suspect's face.
  4. The quality of the lighting when the suspect was observed by the witness.
  5. Whether there were distracting noises or activity during the observation.
  6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

## Brady Material Disclosure

### 604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** -Information known or possessed by the LASPD that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 604.2 POLICY

The LASPD 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 LASPD 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.

### 604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

### 604.4 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:

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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 in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

#### **604.5 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 (see Policy §1020).

#### **604.6 TRAINING**

Department members should receive periodic training on the requirements of this policy.

## Warrant Service

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 605.2 POLICY

It is the policy of the LASPD to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 605.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 605.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 605.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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Prior to approving the booking of a person on a warrant abstract, the approving supervisor must ensure that there is a reasonable cause to believe that the person named and described on the warrant is the same as the person being detained.

#### **605.6 WARRANT PREPARATION**

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

#### **605.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the

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designated members to the presence of potential evidence and not touch or disturb the items.

- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **605.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

#### **605.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

#### **605.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment

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- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the LASPD are utilized appropriately. Any concerns regarding the requested use of LASPD members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Sergeant should assume this role.

If officers intend to serve a warrant outside LASPD jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the LASPD when assisting outside agencies or serving a warrant outside LASPD jurisdiction.

#### **605.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

#### **605.12 TRAINING**

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

# Operations Planning and Deconfliction

## 606.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 606.2 POLICY

It is the policy of the LASPD to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 606.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

## 606.4 RISK ASSESSMENT

### 606.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 606.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 606.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - 1. (CRT)
  - 2. Additional personnel
  - 3. Outside agency assistance
  - 4. Special equipment
  - 5. Medical personnel
  - 6. Persons trained in negotiation
  - 7. Additional surveillance

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8. Canines
  9. XXXXXXXX or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
  - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
  - (d) Coordinate the actual operation.

#### **606.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

#### **606.6 OPERATIONS PLAN**

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
  1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

#### **606.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

#### **606.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
  - 2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **606.8 CRT PARTICIPATION**

If the operations director determines that CRT participation is appropriate, the director and the CRT supervisor shall work together to develop a written plan. The CRT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the CRT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

#### **606.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **606.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any CRT debriefing.

#### **606.11 TRAINING**

The Training Sergeant should ensure officers and CRT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

## **Chapter 7 - Equipment**

## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee who intentionally damages 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 Commanding Officer, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work, except as provided by District Policy and/or Collective Bargaining Agreements.

##### **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 LAUSD, 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 Commanding Officer.

## 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 LASPD allows employees to utilize Department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees 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 employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Using PCDs to harass threaten, coerce, or otherwise engage inappropriate conduct is prohibited. Employees 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 forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

#### 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 and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

### 701.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Such devices and the associated telephone number shall remain

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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, as consistent with applicable laws.

#### **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 only be used when your department issued device is not operational or in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
  - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the LASPD 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

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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 SUPERVISORY RESPONSIBILITIES**

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

#### **701.7 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

#### **701.8 OFFICIAL USE**

Employees 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, employees shall conduct sensitive or private communications on a land-based or other Department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects.
- (b) Hostage situations.
- (c) Mobile Command Post.
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events.
- (f) Investigative stakeouts.
- (g) Emergency contact with an allied agency or allied agency field unit.

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- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available.

## Vehicle Maintenance

### 702.1 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.

#### 702.1.1 RESPONSIBILITY FOR FLEET MAINTENANCE AND RECORDS

The overall responsibility for fleet maintenance and records rests with the Administrative Services Division Commanding Officer or his designee.

The Administrative Services Division Commanding Officer shall cause the Fleet Coordinator to create a database listing all Department vehicles and identifying information and to update it as necessary.

Each Division shall assign a supervisor to coordinate vehicle service with the LAUSD garages, approved vendors as authorized by the LAUSD, and the Administrative Services Division Commanding Officer.

#### 702.1.2 VEHICLE ROTATION POLICY

The Administrative Services Division Commanding Officer or his designee shall monitor vehicle mileage and rotate patrol vehicles on a yearly basis to average accrued mileage among divisions.

### 702.2 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.

Tow service for Department vehicles may be obtained at any time by notifying the Watch Sergeant, either by radio or by telephone. Upon receiving such request, the Communications Center Operator shall notify the appropriate tow service. The tow service receipt shall be forwarded to LAUSD Transportation Branch or a Garage Supervisor.

#### 702.2.1 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.

#### 702.2.2 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.

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##### **702.2.3 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.

##### **702.3 VEHICLE EQUIPMENT**

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties. The Department should ensure that the following items, at a minimum, are present in the vehicle:

- Box of emergency road flares
- Crime scene barricade tape
- Individual first aid kit (IFAK)
- Latex gloves
- Fire extinguisher

Personnel not convert any Department issued field equipment to their own use. Field personnel make certain that their vehicles are fully equipped with all necessary field equipment prior to leaving the police facility to commence patrol.

##### **702.4 VEHICLE REFUELING AND LAUSD CREDIT CARDS**

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 a LAUSD authorized location.

Department issued fuel cards are to be used only by authorized personnel and only to add fuel, oil or other fluids necessary to the safe operation of LAUSD vehicles and power equipment at authorized service stations.

Purchases must be made at self-service pumps and the use of premium grade gasoline is not authorized.

##### **702.5 WASHING OF VEHICLES**

All units should be kept clean at all times and weather conditions permitting, should be washed as necessary to enhance their appearance.

Only one marked patrol unit from a division 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 not be maintained in a patrol vehicle.

##### **702.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service"

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placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure LAUSD-owned vehicles are used appropriately. For the purposes of this policy, "LAUSD-owned" includes any vehicle owned, leased or rented by the LAUSD.

### 703.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles.

### 703.3 USE OF VEHICLES

Personnel shall operate vehicles in a careful and prudent manner. Officers driving any District vehicle shall not violate traffic laws and shall comply with regulations by using safety belts. In cases of emergency, Officers shall be guided by the laws and Department regulations regarding emergency operation of vehicles.

Personnel who abuse vehicles or have preventable traffic accidents shall be subject to disciplinary action.

Officers shall not allow an unauthorized person to have the keys to operate a District owned vehicle.

#### 703.3.1 SHIFT ASSIGNED VEHICLES

The Watch Sergeant 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 the member's shift, the new vehicle number shall be documented on the roster.

#### 703.3.2 ON-DUTY VEHICLE 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.

#### 703.3.3 OTHER USE OF DEPARTMENT 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 Sergeant. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

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##### 703.3.4 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 person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

##### 703.3.5 VEHICLE 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 leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- F. All weapons shall be removed from any vehicle left for maintenance.
- G. Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.
- H. No employee shall make any unauthorized alterations, additions, removals or repairs to District-owned or controlled motorized equipment nor shall any employee permit any unauthorized person to perform such changes without the express permission of one of the following persons: vehicle maintenance mechanic or an LASPD Supervisor.
- I. The only persons authorized to exchange a vehicle radio or tighten any type or radio antenna are District authorized radio personnel.

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- J. Bumper stickers shall not be placed on any police vehicle except those authorized by the Department.

#### 703.3.6 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 703.3.7 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

#### 703.3.8 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving LAUSD-owned vehicles should obey all parking regulations at all times.

LAUSD-owned vehicles should be parked in their designated areas. Members shall not store privately owned vehicles in any LAUSD-owned parking lot unless authorized by a supervisor. Privately owned motorcycles should be parked in designated areas.

Parking citations received by personnel while on duty will not be reimbursed by the Department.

#### 703.3.9 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.

#### 703.3.10 VEHICLE PRIVACY

All LAUSD-owned vehicles are subject to inspection and/or search at any time by a supervisor with notice.

#### 703.3.11 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.

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##### 703.3.12 CIVILIAN/NONSWORN MEMBER VEHICLE USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

##### **703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

##### 703.4.1 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Los Angeles School Police Department District limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

##### 703.4.2 TAKE HOME VEHICLES

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 Commanding Officer 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:
  - (a) In circumstances when a member has been placed on call by the Chief of Police or Commanding Officers and there is a high probability that the member will be called back to duty.

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- (b) 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.
- (c) When the member has received permission from the Chief of Police or Commanding Officers.
- (d) When the vehicle is being used by the Chief of Police, Commanding Officers or members who are in on-call administrative positions.
- (e) When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
  - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  - 2. All weapons shall be secured while the vehicle is unattended.
  - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
  - (a) If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
  - (b) If the member is unable to provide access to the vehicle, it shall be parked at a department facility.
- (i) The member is responsible for the care and maintenance of the vehicle.
- (j) Sworn personnel assigned vehicles for the purpose of home-to-work transportation are not required to conform to an on-call status, except for the Chief of Police and Deputy Chiefs.

#### 703.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the LASPD or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where

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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.

#### **703.5 UNMARKED VEHICLES**

Vehicles are assigned to various bureaus and their use is restricted to the respective bureau and the assigned member, unless otherwise approved by a bureau supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the bureau for that purpose. Any use of unmarked vehicles by those who are not assigned to the bureau to which the vehicle is assigned shall also record the use with the Watch Sergeant on the shift assignment roster.

#### **703.6 VEHICLE DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor.

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

##### **703.6.1 DISTRICT VEHICLE ACCIDENT REPORTING AND REVIEW PROCEDURES**

The following procedure is to be followed in the reporting and review of all vehicle accidents involving Los Angeles School Police Department personnel:

- A. If a School Police Department employee is involved in a vehicle accident while performing assigned duties, the employee shall immediately report the accident to the Watch Sergeant.
- B. Unless otherwise directed, he shall remain at the scene until police reports are completed.
- C. A supervisor will be dispatched to the scene of the vehicle accident to provide assistance to the employee, to determine possible causes of the accident, to complete a report of his observations, and to assure that a "District Motor Vehicle Accident Report" is completed. If possible, photographs will be taken of the accident and/or the damaged vehicle.
- D. The supervisor will submit the completed Accident Report and signed Motor Vehicle Accident Report form and any photographs, to the appropriate Division Lieutenant.

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E. The Division Lieutenant will review the reports for proper completion, then forward the reports and any photographs to the affected Bureau Deputy Chief.

Following the Deputy Chief's review, the Deputy Chief will cause:

A. The reports to be forwarded to the District's Insurance Section.

B. The Vehicle Accident Review Committee to convene. This committee will compose of supervisory personnel, for the purpose of evaluating all circumstances of the vehicle accident and making recommendations on the Vehicle Accident Review Committee form.

The Committee's recommendation should be recorded on the Vehicle Accident Review Committee form. The report shall be forwarded to the appropriate Division Lieutenant for review, comment, and signature.

In each instance of a vehicle accident involving sworn personnel, the vehicle accident file will be reviewed to determine if there has been a previous accident by the same driver. If so, this information will be forwarded to the Division Lieutenant.

Disciplinary action may be taken if the cause of the vehicle accident is determined to be driver error. The responsible Bureau Deputy Chief will prepare the necessary paperwork should discipline or an administrative transfer be appropriate.

Should remedial training be recommended by the Vehicle Accident Review Committee or suggested by the responsible Division Lieutenant, a copy of the file under consideration shall be submitted to the Deputy Chief of Administrative Services Bureau to make arrangements for such training. The officer should be advised through his Lieutenant as to when and where the training will take place. Upon completion of the assigned training, a memorandum will be prepared for the file indicting the action taken and results of the training program.

Following the Division Lieutenant's review, the Vehicle Accident Review Committee report will be forwarded to the Bureau Deputy Chief for final review, approval and signature.

A. The supervisor of the involved employee will receive the approved VARC Report.

B. The supervisor will conference the involved employee.

C. The employee will sign the VARC Report, and the supervising will sign the VARC Report.

D. The supervisor will return the signed VARC Report to the Division Lieutenant for processing as follows:

1. A copy of the VARC Report and the Motor Vehicle Accident Report will be filed in the employee's personnel folder.

2. The entire package (the supervisor's report, Motor Vehicle Accident Report, any photographs and the VARC Report) will be filed in the vehicle accident file retained in the Office of the Chief of Police.

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#### **703.7 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the District for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Commanding Officer within five working days explaining the circumstances.

#### **703.8 OFFICIAL FUNERAL ESCORTS**

Official Department vehicles may be used to escort funerals of Department employees upon approval of the Chief of Police.

All Department vehicles assigned to funeral escort duty shall be cleaned and fueled prior to the start of the escort detail.

#### **703.9 MILEAGE REIMBURSEMENT - PERSONAL VEHICLE**

In cases where an employee must use their personal vehicle during the course of their assignment, an employee may submit for school business mileage reimbursement. School business mileage is defined as the number of miles driven on school business (i.e., travel to and from an officer's regular work assignment to local police stations to submit reports; court appearance per subpoena; Department approved training, etc.

An employee shall complete the log noting the mileage reimbursement requested. Each entry will include the location, type of activity and the mileage involved. School business mileage reimbursement shall be at rates specified in the Collective Bargaining Agreements.

School business mileage is reimbursed to District employees on a pay period by pay period basis. Therefore, employees shall submit completed mileage reimbursement logs prior to the end of each pay period to the appropriate supervisor, who will forward the log to the Payroll Unit for processing (LAUSD Accounting and Disbursements Bulletin No. DB-6 (Rev.), "Mileage Reimbursement-Employees;" August 18, 1998).

#### **703.10 REGISTRATION OF OFFICER'S PRIVATE VEHICLES**

To protect the LAUSD Police Department Police Officers and their families from possible harassment at their homes, Department of Motor Vehicle form Request for Confidentiality of Home Address may be requested from their immediate supervisor in order for Officers to register their vehicles with a confidential address. After completing the form, the Officer will submit the completed form to his supervisor, who will forward the form to the Office of the Chief of Police for processing.

## Supplies

### **704.1 REQUISITION OF SUPPLIES**

All personnel who are in need of supplies shall complete a Requisition for Supplies form available in the Records Management Unit. The form shall be approved by a supervisor and submitted to the Custodian of Records in the Records Management Unit.

Only authorized personnel shall issue supplies, and no supplies will be provided without a Requisition of Supplies form.

# Personal Protective Equipment

## 705.1 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.

### 705.1.1 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.

## 705.2 POLICY

The LASPD endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

## 705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

#### **705.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

#### **705.7 RESPIRATORY PROTECTION**

The Administrative Services Commanding Officer 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.

##### **705.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the 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.

#### 705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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##### 705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

##### 705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

##### 705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

#### **705.8 RECORDS**

The Training Sergeant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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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.

#### **705.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

## **Chapter 8 - Administrative Services**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports.
- Field Interview cards.
- Computer Aided Dispatch data.
- Records Management Systems.

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime.
- Geographic factors.
- Temporal factors.
- Victim and target descriptors.
- Suspect descriptors.
- Suspect vehicle descriptors.
- Modus operandi factors.
- Physical evidence information.

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

All other requests for crime data must be written and submitted to the Principal Clerk (Records Supervisor). Those requests will then be submitted to the Assistant Commanding Officer of the Special Operations Bureau for approval before any data is released.

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Statistical Data may be obtained from other sources and processed into reports processed by the Records Unit.

The Technology Unit shall be responsible for posting LASPD statistics on the LASPD website.

## 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 LASPD 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.

Access to the Communications Center shall be limited to the Communications Center members, the Watch Sergeant, command staff and department members with a specific business-related purpose.

### **801.4 COMMUNICATIONS SERVICES DIVISION - RESPONSIBILITY**

The Communications Center shall be responsible for obtaining pertinent information relating to all crimes in progress or any other activity impacting the District, which require immediate police action. All pertinent information is to be provided to School Police Department field units by means of a Computer Aided Dispatch (CAD) system.

The assigned Watch Sergeant shall report directly to the Communications Services Division Lieutenant.

#### **801.4.1 COMMUNICATIONS CENTER - SUPERVISOR RESPONSIBILITY**

The Chief of Police shall appoint and delegate certain responsibilities to a Watch Sergeant. The Watch Sergeant is directly responsible to the Campuses Services Commanding Officer or the authorized designee.

The responsibilities of the Watch Sergeant 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.

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- (a) The assigned Watch Sergeant is responsible for the immediate supervision of the Communications Center by monitoring communications personnel to insure the proper dissemination of critical and appropriate information to field units.
- (b) The Watch Sergeant is also to ensure the proper utilization of the Department's radio channels by sworn and/or authorized personnel.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Communications Center information for release.
- (f) Maintaining the Communications Center database systems.
- (g) Maintaining and updating the Communications Center procedures manual.
  - 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 District personnel to be notified in the event of a utility service emergency.

The assigned Watch Sergeant shall report directly to the Communications Services Division Lieutenant.

#### 801.4.2 ADDITIONAL PROCEDURES

The Watch Sergeant 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 Sergeant contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

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- (i) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

#### 801.4.3 DISPATCHERS

Dispatchers report to the Watch Sergeant. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  - 1. Emergency 9-1-1 lines.
  - 2. Business telephone lines.
  - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  - 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  - 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Watch Sergeant or field supervisor of emergency activity, including, but not limited to:
  - 1. Vehicle pursuits.
  - 2. Foot pursuits.
  - 3. Assignment of emergency response.

#### 801.5 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:

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- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

#### **801.5.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Sergeant shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

#### **801.5.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

#### **801.6 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

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- (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 Watch Sergeant 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.

#### **801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

LASPD radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **801.6.2 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.

Emergency radio calls have priority over all other calls and consist of request for "help", "assistance", and the broadcasting of pursuits.

Upon receiving a high priority call, the dispatcher shall immediately clear and place the frequency on "stand-by" by transmitting three (3) short alert tones. Radio transmissions will then be handled in order of their priority. The radio dispatcher shall immediately clear the frequency when the priority incident has been completed.

Special radio calls have priority over routine radio calls and consists of immediate field broadcast of crimes when the time element is important (i.e., suspect / vehicle description), and messages requiring immediate attention (i.e., reporting fires; ambulance request).

Routine calls consist of normal radio calls and have no priority.

Information calls consist of informational calls.

#### **801.7 DOCUMENTATION**

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating

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conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **801.8 CONFIDENTIALITY**

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

#### **801.9 TRAINING AND CERTIFICATION**

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

#### **801.10 ALERT TONES**

In law enforcement, certain situations have a greater risk potential both to the public and to the Officers responding. The sounding of alert tones have been established to properly identify such situations to field units.

- A. "Hot Calls" (i.e., Robbery in Progress, Shots Fired, Burglary-There Now, etc.).  
Prior to dispatching a "hot call," a dispatcher shall sound the alert tone twice. This alerts the Officers in the field that a priority message will follow.
- B. "10-33" Emergency Traffic.  
When clearing the frequency for "10-33" emergency traffic, a dispatcher shall sound the alert tone three (3) times at the beginning of the announcement and throughout

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the emergency. The dispatcher shall advise of the "10-33" being in effect whenever possible.

At the termination of "10-33" radio traffic, the alert tone shall be sounded three (3) times, at which time the dispatcher shall declare the frequency cleared. The normal clearing is, "frequency (or air) is clear," giving the Department I.D., then the time.

#### **801.11 "10-33" EMERGENCY TRAFFIC**

Sworn personnel can request "10-33" emergency traffic, when circumstances warrant such a request. An operator may invoke "10-33" radio traffic without the Watch Commander's approval when the Watch Commander cannot be immediately notified under the following situations:

- A. In the event of potential seriousness.
- B. When routine traffic from field units might cause the covering or interference of potentially significant transmissions.

#### **801.12 CLEAR FREQUENCY PROCEDURE**

Before transmitting a lengthy transmission, such as in the reporting of a major crime, a unit shall contact "Control," request that the frequency be cleared, and state the reason for the request.

#### **801.13 CRIME BROADCAST**

When making a crime broadcast, request a clearance ("10-34 for a crime broadcast"). Give the following information in sequence, without delay:

- A. Type of crime.
- B. Time of occurrence or elapsed time since.
- C. Location of occurrence.
- D. Number and description of suspects.\*
- E. Vehicle description or left on foot.
- F. Suspect/vehicle last seen, direction of travel.
- G. Weapon used.
- H. Property taken.

\*Suspect information shall include the following, when available:

- Gender
- Race
- Height
- Hair
- Eyes
- Clothing

**Note:** If the broadcast is of an emergency nature, request an emergency clearance ("10-33" emergency traffic).

As soon as practicable, supplemental information shall be relayed to "Control."

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#### **801.14 CRITICAL MISSING CHILD BROADCAST**

When boys seven (7) years of age or younger or girls eleven (11) years of age or younger are reported missing or there is an indication of foul play on any juvenile, the unit will broadcast the following:

Request clearance ("10-34") for a 920C (Missing Child) and give the following information:

1. Location missing from
2. How long missing
3. Name
4. Sex
5. Age
6. Height
7. Weight
8. Hair
9. Eyes
10. Clothing Worn
11. Distinguishing features
12. Possible destination

#### **801.15 HELP, ASSISTANCE OR BACKUP CALLS**

When requesting assistance or backup, the unit shall give the following information:

- (a) Number of units needed.
- (b) Location.
- (c) Nature of incident.
- (d) Route of approach.

#### **801.16 TRAFFIC STOPS**

When initiating a traffic stop, the unit shall broadcast the following:

- A. LOW RISK:
  1. Unit identification.
  2. Location.
  3. License plate (include state).
  4. Vehicle description (color, type, model).
  5. Occupant description and number.
- B. HIGH RISK:
  1. Unit identification.
  2. Location.
  3. Type of suspect / crime.
  4. License plate (include state).

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5. Vehicle description (color, type, model).
6. Occupant description and number.
7. Route of approach (back-up).

#### **801.17 REQUESTS FOR ASSISTANCE-FROM OUTSIDE AGENCIES**

Request for assistance from an outside agency for planned law enforcement action shall be referred to the Watch Sergeant. The Watch Sergeant should notify the Deputy chief of Administrative Services for coordination. The assistance is subject to officer-power availability and / or constraints.

## Property and Evidence

### 802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

### 802.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

**Found property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

### 802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker 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.

Officers shall not fabricate, withhold, destroy or tamper evidence of any kind.

#### 802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

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- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in a storage or supply room. These types of items may include, but are not limited to, property/evidence to be returned ASAP and large numbers of items impractical to store at a city or county facility. Submit the completed property record into a numbered locker indicating the location of the property.

#### 802.3.2 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.

#### 802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Sergeant. 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 XXXXXXXXX is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 802.3.4 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

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

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and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The XXXXXXXXXX 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).

#### **802.4 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

##### **802.4.1 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.

##### **802.4.2 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 should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

#### **802.5 RECORDING OF PROPERTY**

The XXXXXXXXXX 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.

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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 LASPD shall be noted in the property logbook.

#### **802.6 PROPERTY CONTROL**

Each time the XXXXXXXXX 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 XXXXXXXXX at least one day prior to the court day.

##### **802.6.1 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 XXXXXXXXX. This request may be filled out any time after booking of the property or evidence.

##### **802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

Any transfer of evidence to a crime laboratory by a Department employee shall follow the protocol of the originating and receiving facility.

##### **802.6.3 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 XXXXXXXXX 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.

##### **802.6.4 AUTHORITY TO RELEASE PROPERTY**

The Investigative Services Division, Commanding Officer shall authorize the disposition or release of all evidence and property coming into the care and custody of the Los Angeles School Police Department.

##### **802.6.5 RELEASE OF PROPERTY**

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall

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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 XXXXXXXXX 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 XXXXXXXXX. 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 XXXXXXXXX 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).

#### 802.6.6 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)).

#### 802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigations 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 & Safety Code § 11364.

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##### 802.6.8 DIVERSIONARY BOOKING OF MARIJUANA LESS THAN ONE OUNCE

Due to the recent changes in laws that govern possession of marijuana less than one ounce and the curtailing of filings from the courts for these infractions, the Department implemented procedures for booking of marijuana less than one ounce, which has no evidentiary value or connected to a concurrent administrative or criminal offense. This policy provides officers with guidelines for the booking and chain of custody for non-evidence marijuana less than one ounce.

##### Processing Non-Evidence Marijuana

Any sworn personnel of the Department who seizes marijuana less than one ounce to be placed in a designated Department storage locker shall make an inventory of that property (where it was found or recovered). The inventory shall include the following information for all items of the marijuana:

- (a) The CFS and SP Number
- (b) The Completed Property Report

The booking officer shall properly handle, mark, and package all the marijuana and transport the marijuana to the Department drop box in the LASPD Division of the occurrence, or other authorized location where the marijuana can properly be processed and secured.

Any sworn personnel taking possession of marijuana less than one ounce shall book the property in a designated Department storage locker as soon as practical or prior to the end of watch in the division in which the property was seized.

Marijuana obtained in the course of the officer's duties shall not be kept in any office, locker, or other place longer than is necessary to move it to the Department storage locker.

##### Recording the Transfer of Custody

The officer seizing the property is responsible for completing the LASPD Property Report prior to the marijuana being booked.

The officer seizing the property shall ensure the marijuana being booked is properly packaged, labeled, and placed in a secured Department drop box located at the division of occurrence.

The officer seizing the marijuana shall document the booked property on an LASPD Control Ledger (supplied to each division). **NOTE: Any received contraband in connection with an additional criminal offense SHALL be booked at the local law enforcement agency and should conform to that agency's protocols.**

##### Supervisor Responsibility

The Division Commanding Officer, or supervisory designee, shall be responsible for ensuring the physical structure of the property locker locations are secure at the beginning and end of watch.

On a weekly basis, or when necessary, the Division Commanding Officer or supervisory designee will review the contents of the property locker for accuracy, and transport the marijuana back to LASPD Headquarters where the Administrative Division Sergeant will monitor the transfer of the marijuana and ensure the

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marijuana is placed in the Department's main property locker for safekeeping until such time it is transported for proper disposal.

During Holidays, off-hour watches, or at the officer's discretion, an officer may choose to book the marijuana less than one ounce at the local law enforcement division agency or at LASPD Headquarters Central Division's property locker. NOTE: Officers shall utilize a standard contraband evidence booking procedure should they choose and utilize the local law enforcement agency.

#### Department Responsibility

On a monthly basis, or when necessary, the Commanding Officer of Administrative Services Division or an appointed designee, shall empty the contents of the Department's main property locker and cause transport of the marijuana to a designated and approved evidence disposal site. A master log of this record shall be kept by the Commanding Officer of Administrative Services Division.

Upon transport of the marijuana to the disposal site, a supervisor shall accompany the officer to the location. A transfer receipt shall be received for the marijuana to be destroyed. All receipts will be kept by the Custodian of Records.

#### 802.6.9 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, the XXXXXXXXX shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm 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).

#### 802.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the LASPD 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.

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#### 802.6.11 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.

#### 802.6.12 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.

### **802.7 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 XXXXXXXXX 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.

#### 802.7.1 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)

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- 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)

#### 802.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

#### 802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The XXXXXXXX is responsible to ensure that no biological evidence held by the XXXXXXXX is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Divisions Bureau 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 XXXXXXXX, 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 XXXXXXXX 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 XXXXXXXX.

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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 XXXXXXXX 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).

## Records Maintenance and Release

### 803.1 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.

### 803.2 POLICY

The LASPD 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.).

### 803.3 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 bureau 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).

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#### **803.4 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.

##### **803.4.1 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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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).

#### **803.5 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 all incident

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- 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/County Attorney], the Attorney General, 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).

#### **803.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, Attorney General 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.

#### **803.7 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.

#### **803.8 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 ensure that the required notations on local summary criminal history information and police

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investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

#### 803.8.1 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).

#### **803.9 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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##### 803.9.1 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 LASPD.
  - 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 LASPD 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 LASPD, 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.

##### 803.9.2 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.

#### **803.10 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 Internal Affairs Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

##### **803.10.1 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).

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##### 803.10.2 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.
- (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).

##### 803.10.3 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.

##### 803.10.4 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:

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- (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).

## Protected Information

### 804.1 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 LASPD. 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.

#### 804.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the LASPD and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 804.2 POLICY

Members of the LASPD will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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#### **804.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, LASPD 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.

##### **804.4.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

##### **804.4.2 RELEASE OF CORI**

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer/Custodian of Records.
- (b) Full-time employees of the Records Management Unit.
- (c) Personnel specifically designated in writing by the Criminal Records Security Officer/ or Custodian of Records.

##### **804.4.3 RELEASE OF CORI TO FIELD PERSONNEL**

CORI should not 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.

#### **804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

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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).

#### **804.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

#### **804.5.2 TRANSMISSION GUIDELINES**

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **804.6 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

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- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

#### 804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

#### **804.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

##### 804.7.1 COMPUTER TERMINAL SECURITY

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

##### 804.7.2 DESTRUCTION OF CORI

Documents providing CORI shall not be retained beyond the purpose for which it was obtained.

##### 804.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Administrative Services Division Commanding Officer, unless otherwise directed by the Administrative Services Bureau Commanding Officer, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administrative Services Division Commanding Officer may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administrative Services Division Commanding Officer will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

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#### **804.8 TRAINING PROGRAM**

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Training Unit. The Training Unit shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

#### **804.9 PENALTIES FOR MISUSE OF RECORDS**

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Employees who divulge, obtain, or attempt to obtain, information from Department files other than that to which they are entitled in accordance with their official duties are in violation of Department Policy.

#### **804.10 CALIFORNIA RELIGIOUS FREEDOM ACT**

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

#### **804.11 JUSTICE DATA INTERFACE CONTROLLER (J.D.I.C.)-POLICY**

Several data bases have been developed for law enforcement and criminal justice agencies. These data bases may be accessed through the Los Angeles County Sheriff's Justice Data Interface Controller (J.D.I.C.) system to provide a variety of information.

California Penal Code Section 11105 defines state criminal history information and delineates those persons who are authorized to have access to such information. Information defined by this section, which is compiled by the Attorney General, includes the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, date of arrest, arresting agencies and booking numbers, charges, dispositions and similar data about such persons. Generally, information obtained from law enforcement systems, such as J.D.I.C., is restricted to criminal justice agencies for criminal justice purposes.

The unauthorized or unofficial use of information obtained via J.D.I.C. is prohibited. It is important to note that merely accessing the computer without authorization may constitute a violation of Section 502 of the California Penal Code.

**Example:** Obtaining vehicle registration information or driver license information for personal reasons.

#### **804.12 JUSTICE DATA INTERFACE CONTROLLER INQUIRY LOG-RESPONSIBILITY**

To track authorized Department members usage into the J.D.I.C. system, a J.D.I.C. Inquiry Log shall be maintained in the Watch Commander's Office. All inquiries into the system shall be

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recorded onto the log by Watch Commander's Office personnel accessing the system. The Inquiry Log shall contain the date and time of the inquiry and the identity of the requester.

The log shall be available for inspection for not less than a three (3) year period from the date of inquiry.

#### **804.13 JUSTICE DATA INTERFACE CONTROLLER INQUIRY LOG-RESPONSIBILITY**

To track authorized Department members usage into the J.D.I.C. system, a J.D.I.C. Inquiry Log shall be maintained in the Watch Commander's Office. All inquiries into the system shall be recorded onto the log by Watch Commander's Office personnel accessing the system. The Inquiry Log shall contain the date and time of the inquiry and the identity of the requestor.

The log shall be available for inspection for not less than a three (3) year period from the date of inquiry.

#### **804.14 JUSTICE DATA INTERFACE CONTROLLER TERMINAL-SECURITY REQUIREMENTS**

As of July 1, 1996, the California Department of Justice has mandated that all personnel accessing the J.D.I.C. terminal be required to log on and off.

To facilitate implementation of these requirements, the names and employee numbers of personnel authorized to access the terminal have been entered in the J.D.I.C.'s security tables. An initial password has been created for each user.

#### **804.15 WANTS & WARRANTS**

Subjects are run simultaneously in the Automated Wants and Warrants System (AWWS), California Department of Justice (CDOJ), and National Crime Information Center (NCIC).

Units requesting wants and warrants shall request a "10-29" and broadcast the following information, in the following order:

- A. SUBJECT
  - 1. Name (Last, First, Middle)
  - 2. Gender
  - 3. Date of Birth
- B. VEHICLE
  - 1. License plate, VIN, Engine, or Tab number.

Note: If further information is needed, it will be requested by "Control."

#### **804.16 DEPARTMENT OF MOTOR VEHICLE (D.M.V) VEHICLE REGISTRATION FILE**

Units requesting DMV status shall request a "10-28" and broadcast the following information:

- (a) License plate number (include state).

For a "10-28" on a VIN number, request clearance ("10-34") and give the appropriate information:

- 1. Vehicle identification number (VIN).

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#### **804.17 DEPARTMENT OF MOTOR VEHICLE (DMV.) DRIVER'S LICENSE FILE**

This file contains driving records on all persons licensed in California. You can request one or a combination of the following: driving record, failure to appear record, license status, address, physical description, accident records, etc.

Units requesting driver's license status shall request a "Cal-Op" either by Name or Number:

- A. NAME:
  - 1. Last, First, Middle
  - 2. Date of birth
- B. NUMBER:
  - 1. Complete Driver's License number

**Note:** For out of state plates request "out-of-state DL Check" either by Name or Number.

#### **804.18 CRIMINAL HISTORY SYSTEM (CHS)**

This system contains records about people with arrest and disposition information. "CHS" information can be obtained through the Watch Commander's Office.

#### **804.19 AUTOMATED NAME INDEX (ANI)**

This index contains name, address, birth date, driver's license number and vehicles registered to individuals. A search of the file is conducted on soundex for the last name which can result in numerous sound-alike hits. Whenever possible, give a city or residence. The first name must be spelled correctly.

In the case of variation (e.g., John, Jon, Jean) all must be tried.

Request clearance ("10-34") for ANI and give the following information:

- (a) California Driver's License, and/or complete name.
- (b) Birth date or age.
- (c) City of residence (if possible).

#### **804.20 AUTOMATED FIREARM SYSTEM (AFS)**

This system contains records on stolen, lost, pawned firearms, firearm ownership, evidence, and licenses to carry a concealed weapon.

Request clearance ("10-34") for a weapon check and give the following information:

- 1. Firearm serial number.
- 2. Make.
- 3. Caliber.
- 4. Type (pistol, rifle, etc.).

#### **804.21 AUTOMATED PROPERTY SYSTEM (APS)**

This system contains records on stolen, lost, pawned, evidence, found and other property of interest to law enforcement.

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Request clearance ("10-34") for a property check and give the following information:

1. Type of article.
2. Brand name.
3. Model.
4. Serial number.

#### **804.22 STOLEN BICYCLE SYSTEM (SBS)**

This system contains records on stolen, lost, evidence and pawned bicycles.

Request clearance ("10-34") for a bicycle check and give the following information:

- (a) (Girls, boys, or undefined)
- (b) Speed
- (c) Brand
- (d) Serial number
- (e) Model

Bicycle registration information is available only on bicycles registered with the City or County of Los Angeles Bicycle License Bureau. Control will obtain the information for field units, through the bicycle desk of the Records Bureau, weekdays, 0730 to 2330 hours.

Request clearance ("10-34") for a bicycle registration check and give the following information:

- (a) Serial number, or,
- (b) Bicycle license number.

a. Type of license (city or county)

b. Date of expiration.

#### **804.23 BOAT INQUIRIES**

Boat registration and NCIC stolen information is available on boats registered in California only. The registration information is available from DMV.

Request clearance ("10-34") for a boat check and give the following information:

- (a) California registration (CF) number.

Stolen information on boats registered outside of California is available through NCIC.

Request clearance ("10-34") for a boat check and give the following information:

1. Registration number and state.
2. Hull number.

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#### **804.24 AIRCRAFT INQUIRIES**

Stolen information on aircraft is available in the SVS. Registration information may be obtained from Aero Bureau.

## Media Disposal, Transportation, and Storage

### 805.1 PRINTED MATERIAL

Printed material may be placed in Confidential Destroy boxes and subsequently destroyed by a contracted vendor. Some units have their own confetti shredders that they may use. "Trip cut" shredders are not to be used for CJI or other confidential data.

### 805.2 ELECTRONIC MEDIA

Electronic records on decommissioned servers or other storage devices are to be securely erased using DOD approved methods or the physical media destroyed. Electronic media may be reused, however the media should be securely erased first where practical.

- CD/DVD media
  - Break/destroy media prior to disposal
- Hard drives
  - Erase the drive using DOD approved methods
  - Use vendor provided utility for built-in "secure erase" function
  - Break/destroy the hard drive (drill several holes through platters, shred, smash to point where platters and PCBs are broken)
- Tapes
  - Erase using DOD approved methods (degauss)
  - Destroy (shred)
- Flash drives
  - Break/destroy the device

Electronic media may be placed in Confidential Destroy boxes where a vendor destroys them for us.

### 805.3 TRANSPORTATION

Printed material, electronic media, or containers with CJI may only be handled or transported by approved persons who have been finger print background checked.

### 805.4 STORAGE

Printed material, electronic media, or containers with CJI may only be stored at approved locations staffed by persons who have been finger print background checked.

## Computers and Digital Evidence

### 806.1 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.

### 806.2 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. As a general rule prior to seizing any evidence an on-site trained forensic examiner should be present to determine the best course of action for the evidence. Every situation is unique and a fixed protocol could lead to evidence being damaged or lost and not recoverable. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) When the device is on potential evidence could be lost without Random Access Memory (RAM) capture. Once the machine is off, everything in RAM is lost. Memory contains possible passwords, encryption keys, open programs and unsaved files. A forensic examiner can determine if encryption is present. If the device is encrypted, turning it off will make the evidence inaccessible for examination. If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

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- (g) Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
  - 1. Where the computer was located and whether or not it was in operation.
  - 2. Who was using it at the time.
  - 3. Who claimed ownership.
  - 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media.

#### **806.2.1 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.

#### **806.2.2 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.

#### **806.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the investigating officer 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.

#### **806.4 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. If an officer accesses, reviews or searches a device, in any manner, for any reason, the officer should document what information was found and why the device was accessed.
- (b) If possible, place the device in a mode that suspends the devices signal transmitting functions, commonly referred to as airplane mode. 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 device if possible. Keep the device powered when possible to avoid losing data only if the device is already powered on, if the device is off, leave it off and do not attempt to charge the device.

#### **806.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

##### **806.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All evidentiary photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

##### **806.5.2 SUBMISSION OF DIGITAL MEDIA - CAMERAS OR DEPARTMENT ISSUED CELL PHONES**

The following are required procedures for the submission of digital media used by cameras or Department-issued cell phones:

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- (a) Print images directly from the camera with the provided printer cable. In addition, only save the images on the provided CD/DVD using the Department issued portable media burner. Never use a USB drive containing recorded media that is plugged into a computer to print photos. NOTE: In cases where Supervisors use their department-issued cell phones, they will only use the printer cable to download the image to the supplied CD/DVD burner. Supervisors SHALL not use e-mail to print the images or download them on to a computer.
- (b) The recorded media (smart card, compact flash card or any other media) shall be saved/burned on to a Department issued portable media burner.
- (c) The CD/DVD shall be submitted with the report or booked into evidence (follow local municipality agency procedures).
- (d) Ensure LASPD Records Unit receives a copy of the saved media with the report. (This does NOT include administrative investigations).
- (e) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (f) If any enhancement is done to the copy of the original, it shall be noted in the submitted report.
- (g) Supervisors can continue to upload digital photos to Blue Team without burning them to CD/DVD.

#### 806.5.3 DOWNLOADING OF DIGITAL AUDIO FILES

Digital audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.
- (b) The recording media (smart card, compact flash card or any other media) may be brought to the Department's Technology Unit for copying to storage media or submission into evidence.
- (c) Trained personnel will make a copy of the memory card using appropriate storage media. Once they have verified that the audio is properly transferred to the storage media, they will erase the memory card or device for re-use. The storage media will be marked as the original.

Note: If an outside agency has investigative responsibility, LASPD personnel should follow the local law enforcement guidelines.

#### 806.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only trained personnel are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

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- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

## **Jeanne Clery Campus Security Act**

### **807.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

## Animal Control

### 808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

### 808.2 POLICY

It is the policy of the LASPD 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.

### 808.3 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.

### 808.4 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.

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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.

#### **808.5 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.

#### **808.6 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.

#### **808.7 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).

#### **808.8 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

#### **808.9 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.

#### **808.10 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.

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.

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##### **808.11 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.

##### **808.12 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.

###### **808.12.1 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.

###### **808.12.2 INJURED WILDLIFE**

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

###### **808.12.3 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.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

## Records Unit

### **809.1 PURPOSE AND SCOPE**

The Records Unit shall be responsible for the appropriate processing, storage and filing of Department records, reports and information. The Unit's personnel are also responsible for the compilation of statistical reports and crime analysis, based on Department data.

## **Investigative Services Division**

### **810.1 PURPOSE AND SCOPE**

The Investigative Services Division has the responsibility to investigate felony and misdemeanor crimes which come within its jurisdiction; apprehend and interrogate suspects; interview witnesses; prosecute offenders; and recover stolen property.

## **Chapter 9 - Custody**

# Custodial Searches

## 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the LASPD facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

**Strip search** - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

## 900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

## 900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the LASPD facilities. Except in exigent circumstances, the search should be conducted by a member of the

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same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### **900.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's LASPD identification number and information regarding how and when the property may be released.

#### **900.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

#### **900.5 STRIP SEARCHES**

No individual in temporary custody at any LASPD 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.

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1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 900.5.1 STRIP SEARCH PROCEDURES

Strip searches at LASPD facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Sergeant 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 Sergeant.
  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.

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10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
  - (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
  - (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Sergeant shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
  - (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

#### **900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with Watch Sergeant 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 Sergeant authorization does not need to be in writing.

#### **900.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Sergeant and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Watch Sergeant's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any department members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

#### **900.7 TRAINING**

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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##### **900.8 BODY SCANNER SEARCH**

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

##### **900.9 ARREST OF INDECENTLY EXPOSED OR NUDE ARRESTEE**

When detaining or arresting a person who is incidentally exposed, nude, and / or exposing himself during the course of the detention and / or arrest, it shall be the Officer's responsibility, when possible, to cover the arrestee, or others, with clothing provided by the arrestee or person, or by covering the arrestee or person with an emergency disposable blanket. If the individual provides clothing, the Officer shall search it for his safety prior to the individual dressing himself.

## Temporary Custody of Adults

### 902.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the LASPD for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

#### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

**Temporary custody** - The time period an adult is in custody at the LASPD prior to being released or transported to a housing or other type of facility.

### 902.2 POLICY

The LASPD is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

### 902.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

#### 902.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the LASPD, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.
- (c) Any individual who is seriously injured.

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- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
  - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.
- (j) Any individual who is obviously developmentally disabled (15 CCR 1057).
- (k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### 902.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

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Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

#### 902.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Corrections Standards Authority (CSA) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by CSA staff. The review and recommendations of the CSA biennial review shall be forwarded to the District, as required by 15 CCR 1027.

#### 902.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

#### 902.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the District jail or the appropriate mental health facility.

The officer should promptly notify the Watch Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

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##### 902.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Watch Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
  - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
  - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    - (a) Continuous, direct sight and sound supervision.
    - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
  - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
  - 4. Ensure males and females are separated by sight and sound when in cells.
  - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

##### 902.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Campuses Services Commanding Officer will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  - 1. This notification should be documented.

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- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  - 1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
    - (c) Forward any communication from the individual to his/her consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Forward any communication from the individual to his/her consular officers without delay.

## **902.5 SAFETY, HEALTH AND OTHER PROVISIONS**

### 902.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the LASPD, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the LASPD.

The Watch Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

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##### 902.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

##### 902.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the LASPD. They should be released or transferred to another facility as appropriate.

##### 902.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk

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to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

#### 902.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
  - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
  - 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
  - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
  - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

#### 902.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety.

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The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### 902.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

#### 902.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Sergeant will retain a record of these reports for inspection purposes (15 CCR 1044).

#### 902.5.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

#### 902.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the

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appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

#### **902.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the LASPD unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

##### 902.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

#### **902.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Sergeant shall attempt to prove or disprove the claim.

#### **902.8 HOLDING CELLS**

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

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- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes (15 CCR 1027.5).
  - 1. Safety checks should be at varying times.
  - 2. All safety checks shall be logged.
  - 3. The safety check should involve questioning the individual as to his/her well-being.
  - 4. Individuals who are sleeping or apparently sleeping should be awakened.
  - 5. Requests or concerns of the individual should be logged.

#### **902.8.1 USE OF SOBERING CELL**

Inmates who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (15 CCR 1056):

- (a) Placement of an inmate into the cell requires approval of the Watch Sergeant.
- (b) A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the inmate is housed in the cell.
- (c) A safety check consisting of direct visual observation sufficient to assess the inmate's well-being and behavior shall occur at least once every 30 minutes. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
- (d) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue.
- (e) Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

#### **902.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY**

The Campuses Services Commanding Officer will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the LASPD. The procedures should include the following:

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- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Watch Sergeant, Chief of Police and Investigation Divisions Commanding Officer
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the Attorney General
- (f) Notification of the Coroner
- (g) Evidence preservation
- (h) In-custody death reviews (15 CCR 1046)
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

#### **902.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the LASPD unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
  - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

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##### 902.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

##### **902.11 ASSIGNED ADMINISTRATOR**

The Campuses Services Commanding Officer will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

##### **902.12 TRAINING**

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

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards

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- (b) Jail operations liability
- (c) Inmate segregation
- (d) Emergency procedures and planning, fire safety, and life safety.
- (e) Suicide prevention

Eight hours of refresher training shall be completed once every two years (15 CCR 1024).

The Training Sergeant shall maintain records of all such training in the member's training file.

#### **902.13 RECOMMENDING LAWYERS OR BONDSMEN**

Officers shall not recommend or suggest the name or employment of any person, firm, or corporation, to act as attorney, counsel, or bondsmen.

## **Chapter 10 - Personnel**

## Specialized Assignments

### 1000.1 PURPOSE AND SCOPE

The Los Angeles School Police Department utilizes a variety of specialized and ancillary assignments to support police officers and administrative functions in providing law enforcement services to the LAUSD. Many of these assignments require specialized job knowledge, training, equipment, etc. See Transfers Collective Bargaining Unit A, Transfers and Specialized Assignment Rotation Collective Bargaining Unit H, and Specialized Assignment Rotation Bargaining Unit A.

The Chief of Police may, at his discretion, add or remove specialized assignments for the needs of the LASPD, service to the LAUSD, or the continuity of operations.

## Special Assignments and Promotions

### 1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the LASPD.

### 1001.2 PROMOTION PROCESS DEFINED

The following steps outline the promotion process:

- (a) Los Angeles Unified School District (LAUSD) Personnel Commission testing process based on job classification.
- (b) In-house oral interview.
- (c) Recommendation(s) to the Chief of Police.
- (d) Appointment by the Chief of Police.
- (e) Notification to employee by LAUSD Personnel Commission of promotion effective date.

### 1001.3 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities based on job classifications are on file with the Los Angeles Unified School District Personnel Commission.

## Grievance Procedure

### 1002.1 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.

#### 1002.1.1 GRIEVANCE DEFINED

For the definition of a grievance as well as the interpretation and handling of any disputes please refer to the employee Collective Bargaining Unit (Memorandum of Understanding).

### 1002.2 PROCEDURE

If an employee believes that he or she has a grievance as defined above, then that employee shall observe the procedure required under their collective bargaining agreement.

### 1002.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

### 1002.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Office of the Chief of Police for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Office of Staff Relations to monitor the grievance process.

### 1002.5 GRIEVANCE AUDITS

The Chief of Police designee shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Sergeant should promptly notify the Chief of Police.

## Reporting of Employee Convictions

### 1003.1 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.

### 1003.2 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.

### 1003.3 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.

### 1003.4 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 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.

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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.

#### **1003.5 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.

##### **1003.5.1 NOTIFICATION REQUIREMENTS**

The Administrative Services Commanding Officer shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administrative Services Commanding Officer 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

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 1004.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

### 1004.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Sergeant 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).

#### 1004.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

#### 1004.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

### 1004.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1004.5 EMPLOYEE ASSISTANCE PROGRAM**

It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems. Employees should contact their insurance providers for additional information. Insurance coverage that provides treatment for drug and alcohol abuse also may be available.

The following conditions and procedures will apply to an employee's rehabilitation or treatment of a substance abuse problem:

- A. The District will allow the employee to take a leave of absence while the employee participates in a rehabilitation or treatment program. Any accrued but unused sick leave or other paid leave credits will be applied towards the leave of absence. If none are available, the employee may, if necessary, be placed on a leave of absence without pay for the period of the rehabilitation or treatment program. If the employee requests leave without pay, the length of the unpaid leave of absence will be left to the discretion of the Chief of Police. However, in no event shall an unpaid leave of absence exceed twelve (12) months. **Note: Unless the unpaid leave has FMLA protection (12 weeks), employees will cease to receive employer-paid health benefits. Employees should consult with Benefits Administration.**
- B. After successful completion of the rehabilitation or treatment program, the employee, if on sick leave or leave of absence, will be promptly returned to active service. The return to service may be conditioned on the completion of a return to work medical examination, including a drug or alcohol test.

#### **1004.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

#### **1004.7 REQUESTING SCREENING TESTS**

If an employee is required to submit to a screening test, the employee shall be entitled to (if requested) labor and or legal representation prior to and during such screening. The supervisor may request (in accordance Government Code §3300 (et. seq.)) an employee to submit to a screening test under the following circumstances:

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- (a) Pre-employment testing for "sensitive safety" positions.
- (b) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (c) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (d) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

#### 1004.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### 1004.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

#### **1004.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1004.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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##### **1004.10 POSITIVE TEST RESULTS**

When an initial test produces positive results, a confirmation analysis will be performed. If the confirmation test also yields positive results, disciplinary action up to and including termination may be taken.

An employee who does not pass a drug test may submit a written request that the original urine specimen be analyzed again. As long as sufficient urine remains for the test and the request is received within sixty (60) days, it shall be granted. The employee may specify the retest be performed by the original laboratory or a different laboratory. The employee may be required to advance the cost of the additional analysis and all costs associated with the transfer of the urine specimen to another laboratory.

## Sick Leave

### 1005.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the District personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

### 1005.2 POLICY

It is the policy of the LASPD to provide eligible employees with a sick leave benefit.

The number of hours available is detailed in the employee's respective personnel manual or applicable Collective Bargaining Agreement for Units, A, D, H and S.

### 1005.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness.

If an employee takes sick time before his intended resignation, the last day of employment must be worked in order for the employee to be paid.

Exceptions to the above Department policy are:

- A. An illness, verified by a doctor's written statement, which precludes the employee from working the last day.
- B. Prior approval from the Chief of Police

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1005.3.1 NOTIFICATION

All members should notify the Watch Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one-half hour (30 minutes) 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 ).

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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 advanced 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 LAUSD Certification/Request of Absence Form describing the type of time off used and the specific amount of time taken.

#### **1005.4 EXTENDED ABSENCE**

When an employee of the Department has a necessity for leave that exceeds thirty (30) days, and the time off-duty is foreseeable, such as an expected birth or planned medical treatment, illness or a job related injury, the employee shall obtain a release from his / her own personal physician and possibly a District designated physician prior to returning to work. An employee shall not be allowed back to work without a physician's release. This release shall be free of any restrictions in order for the employee to return to work.

Employees absent from duty due to personal illness in excess of five (5) consecutive days, may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Note: Consistent with the Collective Bargaining Agreement for Units A, D, H, and S, the District shall have the authority to use whatever means are reasonably necessary to verify any claimed illness, injury, or disability under this Section before authorizing any compensation.

Once an employee is cleared to return to work by a doctor, they must notify their supervisor and deliver the appropriate and completed paperwork at least one day before their scheduled return for duty. A 'Notice of Intent to Return to Work' form is to be included as part of the required paperwork.

The employee's supervisor will review the clearance and submit the paperwork to the concerned Lieutenant for approval. The Lieutenant will forward the completed paperwork to the Department's Payroll Unit.

#### **1005.5 REQUIRED NOTICES**

The Personnel Director shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

#### **1005.6 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

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- (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 Personnel Department 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.

## Leaves Of Absence

### 1006.1 PURPOSE AND SCOPE

The following are employee and supervisory responsibilities as related to a leave of absence:

#### Responsibilities of Employees:

- Employees shall make every effort to adhere to normal working hours and avoid disruptions/absences for personal reasons.
- Appointments for health reasons shall be scheduled during non-working hours when possible or at the beginning or end of the day to minimize disruptions to work schedules.
- Follow Department procedures for absences.

#### Responsibilities of Supervisors:

- Each supervisor is responsible for the positive control of absenteeism by maintaining an interest and involvement in each employee's welfare.
- Each supervisor shall communicate to all employees, especially new employees, the need and importance of maintaining a high level of attendance.
- Each supervisor is responsible for ensuring that any absence is properly reported.
- Each supervisor shall be responsible for maintaining records of absences and for submitting to the Payroll Unit, the proper verification forms relating to the employee's leave of absence.
- Each supervisor shall closely monitor the attendance records and provide counseling and guidance for employees who appear to be developing a problem with regards to attendance. They are responsible for developing and maintaining proper documentation, noting assistance and guidance, regarding poor attendance.

#### 1006.1.1 SCHEDULED LEAVE OF ABSENCE

**Vacation Time:** Employee's should submit a vacation request(s) to their immediate supervisor prior to the last day of the current deployment period.

**Compensatory Time:** Employee's should submit a compensatory request(s) to their immediate supervisor prior to the last day of the current deployment period.

**Military Leave:** Those employees seeking military leave shall be granted an unpaid military leave for inactive-duty training not to exceed 30 calendar days per fiscal year (22 eight-hour working days). The LAUSD will pay for active-duty training provided the employee requests a military leave (LAUSD Leave of Absence Form). Weekend drills are considered inactive duty. Those employee's ordered to attend military duty/training shall submit an Employee's Report (15.7) to their Commanding Officer detailing their leave request accompanied by the military order. Such

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orders shall indicate location and dates of training, and bear the signature of the person authorized (by the particular service branch) to activate orders.

Weekend duty with National Guard/Reservist Units shall use off-duty, or vacation time to attend scheduled monthly drills. If such drills fall on the employee's regular work shift, their immediate supervisor shall make every attempt to change the employee's work schedule to avoid the necessity of using vacation time.

**Leave of Absence:** When an employee intends to be off-work for personal leave, bereavement leave, or any other planned absence they must complete and submit the appropriate paperwork to their immediate supervisor for approval. If a planned absence exceeds 20 consecutive working days (160 hours), in one or more deployment periods, the employee shall contact their Commanding Officer to request a formal illness leave and to complete the LAUSD Leave of Absence Request for Classified Employee's Form, the Attending Physician's Statement Form, and the Notice of Intent to Return to Work Form.

Note: Department personnel assigned to school sites should notify the school administrator, or their designee, of approved leaves of absence. If the officer is unable to notify the school administrator, or their designee, the employee's immediate supervisor should make the school administrator notification.

**Annual Physical Exam:** Employees shall advise their immediate supervisor in advance of their scheduled annual physical exam appointment. Upon returning to work, the employee shall submit to their supervisor their appointment slip verifying their annual physical exam.

#### 1006.1.2 UNSCHEDULED LEAVE OF ABSENCE

**Illness Absence:** When calling in because of an illness, the employee shall advise the Watch Sergeant of the period of absence. In most instances, calling off-duty for more than one day at a time is unacceptable unless under a physician's care, hospitalized or on an illness leave.

An on-duty employee who must go off-duty as a result of unscheduled leave shall notify their supervisor. If the employee's supervisor is unavailable, the employee shall notify another on-duty supervisor assigned to the employee's Division or the Commanding Officer of the Division. The employee must also notify the on-duty Watch Sergeant. At no time shall an on-duty employee go off-duty without these notifications. The Watch Sergeant notified of the unscheduled leave shall ensure Real Time Deployment is updated.

**Personal Necessity Absence:** Notifications of intent to be absent for personal necessity shall be made as soon as possible (See Collective Bargaining Agreements).

**Bereavement Leave:** LASPD personnel are entitled to paid bereavement absence in the event of the death of an employee's immediate family member (Defined in the Collective Bargaining Agreements). Notifications of intent to be absent shall be made as soon as possible.

**Unscheduled Vacation/Compensatory Leave:** Employees who encounter unforeseen and / or exigent circumstances which cause them to request unscheduled vacation leave, shall make the request as soon as possible, but in no event later than 30 minutes before they are scheduled

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to be in work for the day. Whenever possible, the request shall be directed to the employee's supervisor or other supervisor in the employee's section. If the employee's supervisor or other section supervisor is unavailable, the request shall be made to the Watch Sergeant.

Before granting or denying the request, the supervisor or Watch Sergeant shall consider the totality of the circumstances including whether adequate deployment can be maintained.

If the supervisor approving and unscheduled vacation leave is other than the employee's immediate supervisor, he shall assume responsibility for notifying the employee's supervisor.

All vacation or compensatory time off requested during a current pay period must also be approved by the appropriate Bureau Lieutenant.

An employee who is granted unscheduled vacation leave, may be required to present appropriate documentation of the unforeseen and / or exigent event.

#### **1006.2 DEPARTMENT EMPLOYEES WORKING HOURS**

All employees are expected to be on-duty at their assigned location, on time, and to remain on-duty until the end of their work day.

# Communicable Diseases

## 1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1007.1.1 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 LASPD. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1007.2 POLICY

The LASPD 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.

## 1007.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
  2. Bloodborne pathogen mandates including (8 CCR 5193):
    - (a) Sharps injury log.

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- (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 Personnel Department 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).

#### **1007.4 EXPOSURE PREVENTION AND MITIGATION**

##### 1007.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

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- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1007.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

#### **1007.5 POST EXPOSURE**

##### 1007.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

##### 1007.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident

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- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

#### 1007.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### 1007.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

#### 1007.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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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 Attorney General to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1007.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1007.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

#### **1007.8 LIEUTENANT OF INVESTIGATIONS UNIT / DETECTIVE RESPONSIBILITIES**

The Investigations Division Lieutenant shall be notified and will assign a Detective, who will be responsible for filing the petition.

The Detective shall confirm with the appropriate prosecutor's office that the petition was received and an Order To Test Accused's Blood was completed and submitted to the court with the case filing. If the Order To Test Accused's Blood was not completed with the case filing, the Detective shall complete the order and submit prior to, or during the arraignment or adjudicating hearing.

The Detective and/or the affected Officer will attend the appropriate court hearings to resolve any matters regarding the petition.

## Smoking and Tobacco Use

### 1008.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in LASPD facilities or vehicles.

### 1008.2 POLICY

The LASPD recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the LASPD to restrict the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

### 1008.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are engaged with the public regarding police matters.

Smoking and the use of other tobacco products is not permitted inside any District facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside District facilities and vehicles.

### 1008.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

## Personnel Complaints

### 1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the LASPD. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

School Police personnel, by the nature of their position and responsibilities, will be held to a higher standard of conduct than other District employees; especially in the areas of misconduct, dishonesty and off-duty conduct.

### 1009.2 POLICY

The LASPD 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.

### 1009.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

Complaints alleging inadequate or inappropriate service, not involving a violation of law, rules or regulations shall be identified as service complaints.

Non-misconduct or non-service complaints are defined as allegations not meeting the criteria for either a violation of an rule or law or of inappropriate service. The receiving Supervisor will inform the complainant that the complaint is neither misconduct nor a service complaint, and consequently, a Personnel Complaint Form will not be completed. The complainant shall be advised of other appropriate courses of action if they exist.

#### 1009.3.1 PERSONNEL COMPLAINT FORMAT

Supervisors shall adhere to the following format when completing a preliminary investigation of a personnel complaint (form 1.1 Personnel Complaint):

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- Interview the complainant(s).
- Interview available witnesses with relevant information to support or refute the allegations of the complainant(s).
- Identify and or obtain any evidence.
- Identify specific violations of policy or law.
- Write a brief summary of the allegations.
- Write a preliminary investigation narrative.

#### 1009.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

Any statement containing a charge or complaint against an employee shall be in writing, and shall be verified by the complainant signing a statement declaring under penalty of perjury that the statement is true and correct.

When a complaint is received, it shall be forwarded to the Chief of Police. He will direct, when appropriate, that an investigation be conducted.

#### **1009.4 PRE-INTERVIEW DISCLOSURE OF INVESTIGATIVE MATERIALS**

The practice of providing accused Officers with all investigative materials, as outlined in 3303(g) of the California Government Code, has been discontinued (California Public Sector Labor Relations Discipline and Discharge, Section 16.30 [3][b]). In some cases, it may be desirable to provide items such as crime reports, patrol logs, etc., during the course of the interview to assist the Officer in recalling details.

In the event that an Officer is scheduled for any subsequent interviews, he is entitled to a transcript of his interview, if one has been prepared, and/or a copy of the tape recording of the first interview.

Even in confidential investigations, the accused Officer must be provided with a copy of his previous interview statements and the related tape recordings before any further interviews.

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#### 1009.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other District facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

#### 1009.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

#### 1009.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

#### 1009.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

### **1009.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

### **1009.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

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All investigations shall be thorough and objective, and are aimed at maintaining public confidence and Departmental integrity. The goal is neither to condemn nor exonerate, but rather to explore and expose the facts surrounding the incident in question.

The following are the types of investigations conducted in response to a personnel complaint:

- A. **An initial Investigation:**  
An initial investigation consist of consists of the steps taken by a supervisor to determine whether a complaint alleges misconduct, i.e., whether the allegations, if true, would normally result in discipline.

Note: Except in extremely unusual circumstances, the initial investigation is not complete until an informal interview of the complainant has been conducted.

- B. **Preliminary Investigation:**  
A preliminary investigation of a personnel complaint consists of the steps taken by a supervisor immediately after it is determined that a complainant has alleged misconduct.

- C. **Formal Investigation:**  
A formal investigation consists of the steps taken by the individual assigned to investigate the personnel complaint and prepare the final investigative report. The formal investigation takes place after the initial and preliminary investigations are completed.

Note: The employee's immediate supervisor shall have primary investigative responsibility in most instances (the Investigations Lieutenant shall provide advice, direction and training to supervisors and others regarding personnel investigations). Should it be determined by the concerned Assistant Chief there is need for the Investigations Unit to handle the matter, the involved supervisor will assist the investigating personnel until relieved. Most investigations shall be completed within twenty (20) days from receipt of complaint, including review by the concerned Assistant Chief. Only the Chief of Police may grant an extension to a personnel complaint investigation due date. Extension requests shall be submitted prior to the due date and shall contain the reason for the extension. All completed investigations/ case files of alleged employee misconduct shall be maintained for a minimum of five (5) years in the Department's Records/Statistical Unit.

Sworn and non-sworn employees who are witnesses, not being charged with allegations of misconduct, are not subject to the pre-interview disclosure in California Government Code 3303(g). However, they should be allowed to review crime, arrest and follow-up reports prior to the beginning of the interview, unless confidentiality is being asserted by the criminal investigators.

Reluctant employees should be reminded of their obligation to fully cooperate in the investigation under penalty of insubordination.

#### 1009.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor of a sworn employee, against whom allegations have been made, may counsel that employee for the purpose of correcting unacceptable behavior. If, during a counseling interview, a

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supervisor determines that the interview may lead to disciplinary action, the Public Safety Officers' Bill of Rights admonitions shall be given.

Adherence to the Public Safety Officers' Bill of Rights (Section 3300 CGC et. Seq.) applies only to interviews which may lead to the imposition of discipline. Supervisor/employee counseling or training is not discipline.

Note: It also does not apply in routine supervisory contacts where a supervisor is simply trying to learn what happened rather than trying to establish guilt or innocence.

It is a good practice to allow the Officer to exercise his rights in cases where it is arguable whether the supervisor is conducting an interview likely to result in punitive action.

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.
  - (a) The original complaint form will be directed to the Watch Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Commanding Officer 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.
  - (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - (b) 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 Sergeant.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Sergeant and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Personnel Department and the Watch Sergeant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

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- (f) Forwarding unresolved personnel complaints to the Watch Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1009.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs 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 LASPD 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

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investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
  - (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - (j) All members shall provide complete and truthful responses to questions posed during interviews.
  - (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

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).

#### 1009.6.3 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.

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**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1009.6.4 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.

**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.

#### 1009.6.5 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.

#### 1009.6.6 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.

#### 1009.7 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.

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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).

#### 1009.7.1 RESOLUTION OF PERSONNEL COMPLAINT FORMAT

Adjudication and resolution of personnel complaints shall be detailed, complete and adhere to the following format (form 1.8 Resolution):

**Summary** - Provide a very brief summary of the facts not in dispute giving rise to the investigation. Include the identity of the employee(s), the identity of the complainant(s) and or source of the complaint, and the initial location and date of the incident.

**Allegations** - List the allegations separately (including applicable policy sections and or violations of law) with a very brief summary of the evidence relevant to each allegation. Each allegation shall be followed with a classification.

**Classification** - Each allegation shall receive a disposition (see Policy Section Disposition of Personnel Complaints).

**Penalty Recommendation** - Once all allegations have been listed and classified, if applicable, identify an appropriate penalty recommendation for a sustained allegation(s). If there is no sustained allegation write "None".

**Administrative Insight** - Summarize the rationale that supports and explains the reason for the classification(s) and recommended penalty, if applicable.

**Pre-disciplinary Hearing** - If the allegation(s) is sustained write "Pending", if there is no sustained allegation(s) write "None".

**Signature Blocks** - Signatures of the adjudicating Commanding Officer and Lieutenant.

#### 1009.7.2 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

#### 1009.8 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.

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- (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.
- (d) Personnel who are suspended shall turn in their badge and / or identification. The policy includes not carrying a concealed weapon during the duration of the suspension as the employee does not possess peace officer status.

#### **1009.9 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 LASPD 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.

#### **1009.10 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.

##### **1009.10.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Commanding Officer of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Commanding Officer may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Commanding Officer may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Commanding Officer shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

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##### 1009.10.2 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 Commanding Officer 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.

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.

##### 1009.10.3 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)).

##### 1009.10.4 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)).

#### **1009.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review

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the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

#### **1009.12 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).

#### **1009.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

Disciplinary action, as defined in Personnel Commission Rule 901, is the suspension (removal from the job, usually for a period of not more than thirty days, without pay), demotion to a lower classification, or dismissal of an employee from the service for cause.

This is to be distinguished from counseling, a reprimand, a Notice of Unsatisfactory Service or Act (with no days), and other less stringent forms of corrective action. Any formal disciplinary action affecting an employee's pay or status require Board of Education action.

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##### **1009.14 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.

##### **1009.15 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.

##### **1009.16 RELINQUISHMENT OF BADGE AND / OR IDENTIFICATION FOR MENTAL DISABILITY**

Any Officer claiming or found to be incapacitated due to mental stress or other mental disability shall turn in his badge and/or identification, and department issued firearm until the Officer is able to return to duty. This denotes temporary relinquishment of peace officer powers such as carrying a concealed weapon or effecting arrest pursuant to California Penal Code Section 836.

##### **1009.17 FALSE ALLEGATIONS OF MISCONDUCT AGAINST PEACE OFFICERS– 148.6 CALIFORNIA PENAL CODE**

Effective January 1, 1996, California Penal Code Section 148.6: “False Allegations of Misconduct Against Peace Officers; Information Advisory; Signature by Complainant,” mandates that any person filing a complaint against a peace officer sign a statement acknowledging that it is a misdemeanor to file a complaint, knowing that the complaint is false, which must be signed in the presence of the supervisor accepting the complaint.

##### **1009.18 ACCUSED CIVILIAN EMPLOYEES–INTERVIEW**

Civilian employees of the Department do have certain rights under the law. Civilian employees are allowed to be represented in disciplinary interviews by the representative of their choice.

Civilian employees have no statutory or decisional right to: tape record an interview, pre- interview discovery or interview during their normal tour of duty.

##### **1009.19 CAUSES FOR DISCIPLINARY ACTIONS**

For further information, personnel should refer to the District Personnel Commission Rules, Board Rules, Education Code or Unit Contract Agreement.

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The District's Personnel Commission Rule 902 states that, in addition to those prescribed in Education Code Sections 45123, 45124, and 45303, or other statutes, the following are causes for disciplinary action:

- A. Incompetency.
- B. Inefficiency.
- C. Insubordination or willful disobedience.
- D. Inattention to or dereliction of duty.
- E. Discourteous, abusive, or threatening treatment of the public, employees, or students, including sexual harassment; any violation of Government Code Section 12940, Paragraph (I); or malicious engagement in reprisals by managers or supervisors against employees, applicants, candidates, or eligibles who file a written complaint pursuant to Government Code Section 53297 regarding gross mismanagement or a significant waste of funds, an abuse of authority or a substantial and specific danger to public health or safety.
- F. Any willful or persistent violation of the provisions of the Education Code or of written rules, regulations, or procedures adopted or established by the Board of Education, the Personnel Commission, or the administration.
- G. Work-related dishonesty, including examination deception or fraud.
- H. Appearing for work under the effects of alcohol or drugs or using alcohol or drugs illegally while on duty.
- I. Immoral conduct.
- J. Engaging in political activities during assigned duty hours.
- K. Conviction by a court of competent jurisdiction of a felony or of a crime involving moral turpitude. A plea, verdict, or finding of guilty, or a conviction following a plea, verdict, or finding of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction. The record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Commission may inquire into the circumstances surrounding the commission of the crime in order to determine if the conviction is of an offense involving moral turpitude.
- L. One or more criminal convictions where the nature of the crime is such that it would indicate that the employee is a poor employment risk for the particular job which they hold with the District.
- M. Failure to disclose material facts or the making of any false or misleading statement on any application, examination form, or other official document of the District.
- N. Frequent unexcused absence or tardiness.
- O. Abuse of leave privileges by habitual use of illness leave for trivial indispositions, or by absence so frequent that, over an extended period of time, the efficiency of the service is impaired.
- P. Failure to report upon reasonable notice for review of criminal records.

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- Q. Failure to report upon reasonable notice for health examination.
- R. Absence without leave.
- S. Failure to progress adequately in a training program that is required for the classification.
- T. Active participation by a management or confidential employee in the affairs of an employee organization that is an exclusive representative. "Active participation" shall include holding office in the organization, working for the organization in the capacity of an employee volunteer, participating in activities designed to increase membership in the organization, and serving on committees established for the purpose of developing, reviewing, or approving the collective bargaining position of organization, or reviewing or approving proposals presented by the Board of Education.
- U. Willful or persistent violation of, or failure to enforce regulations or procedures pertaining to health and safety.
- V. Unauthorized use of District or student body property.
- W. Any other failure of good conduct tending to injure the public service.

#### **1009.20 REQUIRED REPORTING TO POST**

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
  - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
  - 1. Complaints, charges, or allegations of 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 LASPD 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

### 1010.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

#### 1010.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

### 1010.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 1010.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

#### 1010.3.1 TRANSPORTATION NOTIFICATION

Whenever an employee transports a person of the opposite sex, or a juvenile, in their police unit, the employee shall at the beginning of transportation, make a radio broadcast including the gender, unit's mileage and advise if the arrestee is an adult or juvenile. When completing the transportation, you must provide the ending mileage. This requirement does not apply to a person assigned to the employee as a ride-along.

### 1010.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

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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.

#### **1010.5 POLICY**

It is the policy of the LASPD that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

#### **1010.6 TRANSPORTING CHILDREN**

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

#### **1010.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **1010.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1011.2 POLICY

It is the policy of the LASPD to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

#### 1011.2.1 BODY ARMOR - OPTIONAL EXTERNAL CARRIER

The wearing of soft body armor on the exterior of the Department Class B or Class C uniform shirt is optional.

- (a) For any uniform other than the Class B or C uniform, the soft body armor will continue to be worn concealed under the uniform shirt.

The Department has approved, at the employee's cost, a 100% wool external vest carrier for the Class B uniform.

- (a) The carrier will resemble the approved Department Class B uniform shirt in fit and finish.
- (b) At all times, a name plate, metal buttons, and metal badge shall be worn on the outermost garment.

The Department has approved, at the employee's cost, a Cordura external vest carrier for the Class C uniform.

- (a) The carrier will resemble the approved Department Class C uniform shirt in fit and finish.
- (b) At all times, a name tape, and metal badge shall be worn on the outermost garment.

If the external vest carrier becomes damaged, faded or otherwise detracts from the professional image of the Department or uniform appearance of the officer, or at the discretion of the appropriate supervisor, the employee will immediately cease to wear the garment and either replace it at his/her continued expense or revert to wearing the soft body armor concealed under the uniform shirt.

### 1011.3 ISSUANCE OF BODY ARMOR

The Administrative Services Division supervisor shall ensure that body armor is issued to all officers when the officer begins service at the LASPD and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services Division supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever

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the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take 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) When taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is:
  - 1. Involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or
  - 2. When a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 1011.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

#### 1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions.

Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

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#### **1011.4 RANGE MASTER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

## Personnel Records

### 1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1012.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

### 1012.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
  - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
  - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
  - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
  - (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### **1012.4 BUREAU FILE**

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau 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.

#### **1012.5 TRAINING FILE**

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **1012.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

#### **1012.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

#### **1012.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Superintendent, Attorney General or other attorneys or representatives of the District in connection with official business.

##### **1012.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

#### **1012.8.2 RELEASE OF PERSONNEL INFORMATION**

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

#### **1012.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION**

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

#### **1012.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS**

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

#### **1012.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Administrative Services Division Commanding Officer 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). The supervisor shall

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arrange an appointment for review. The review shall be conducted in the presence of a supervisor or other assigned Department personnel.

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.

#### **1012.10 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.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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#### **1012.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS**

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
  1. The discharge of a firearm at another person by an officer.
  2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
  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:

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1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

#### 1012.11.1 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

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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)).

#### 1012.11.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until:
  - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

#### 1012.11.3 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

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- (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)).

## Transfers Collective Bargaining Unit A

### 1013.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the requirement for transfer of assignment within the Los Angeles School Police Department consistent with the operational needs of the LASPD, service needs of the LAUSD, and consistent with the current collective bargaining unit contracts.

### 1013.2 POLICY

Establishes the policy for transfer procedures within the Los Angeles School Police Department. All transfers shall adhere to the language set forth in the Unit A Collective Bargaining Agreement. Transfers are divided into the following three categories:

- Voluntary
- Involuntary Transfers
- Temporary Assignment

#### 1013.2.1 DEFINITIONS

Transfers of assignment within the LASPD are defined as follows:

**Transfer** - A permanent change of work location of an employee without a change of classification. A change in assignment to or from patrol.

**Voluntary Transfers** - An employee voluntarily submitting a Change of Assignment Request Form from one permanent assignment to another permanent assignment within the LASPD.

**Involuntary Transfers** - Commonly referred to as an Administrative Transfer. An involuntary transfer is instituted by the LASPD/LAUSD. Involuntary Transfers may occur at any time at the discretion of the LASPD/LAUSD upon the approval of the Chief of Police or his designee. Involuntary Transfers will not be made solely for disciplinary reasons. Involuntary Transfers may occur based on the needs of the LASPD due to:

- (a) Rotation of personnel.
- (b) Assignments to vacancies created by other voluntary or involuntary transfers.
- (c) Assignments to vacancies created by leaves or separations from the LASPD/LAUSD.
- (d) Assignment to a different location following return from leave.

**Temporary Transfers** - A temporary (non-permanent) change in work location or assignment instituted by the LASPD may occur upon the approval of the Chief of Police or his designee due to the following:

- (a) Temporary modified-duty (light-duty) assignment.

**Notification** - Department wide notification of any known anticipated vacancy more than one month in advance of the vacancy and notification to the Unit A (commonly referred to as the Los Angeles School Police Association (LASPA) Collective Bargaining Unit.

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#### **1013.3 GENERAL REQUIREMENTS**

The following criterion will be used in evaluating employee change of assignment requests:

- (a) Needs of the Department.
- (b) Available vacancies.
- (c) Date(s) the change of assignment request was submitted.

Note: In the event that two or more employees submitted change of assignment requests for the same position, and all other factors are equal between the applicants, seniority within classification shall be used as the tie-breaker.

#### **1013.4 VOLUNTARY TRANSFERS**

Employees desiring a transfer of assignment shall:

- (a) Complete the LASPD Change of Assignment Request Form.
- (b) Submit the Change of Assignment Request Form electronically.

##### **1013.4.1 ANNOUNCEMENT/NOTIFICATION REQUIREMENTS**

The Chief of Police or his designee, shall:

- (a) Publish a Department-wide posting of any known anticipated vacancy more than one month in advance of the vacancy.
- (b) Provide a Department notification of any known anticipated vacancy more than one month in advance of the vacancy to the Unit A (commonly referred to as the Los Angeles School Police Association (LASPA) Collective Bargaining Unit.

The Commanding Officer of each LASPD Bureau shall notify the Office of the Chief of Police of any anticipated vacancies at least one month in advance of the vacancy where practicable.

Employee Notification of Voluntary Transfers shall be:

- (a) Provided to the affected employee(s) in writing at least seven calendar days prior to the effective transfer date.
- (b) Documented on an LASPD Transfer Notice.
- (c) Published Department-wide by the Chief of Police or his designee.

Notification to Unit A Collective Bargaining Unit shall be:

- (a) Provided within three working days of the affected employee(s) being notified.
- (b) Provided in writing by the Chief of Police or his designee.

#### **1013.5 INVOLUNTARY TRANSFERS**

Employee Notification of Involuntary Transfers shall be:

- (a) Provided to the affected employee(s) in writing at least seven calendar days prior to the effective transfer date.
- (b) Documented on an LASPD Transfer Notice.

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- (c) Published Department-wide by the Adjutant to the Chief of Police.

Notification to Unit A Collective Bargaining Unit shall be:

- (a) Provided within three working days of the affected employee(s) being notified.
- (b) Provided in writing by the Adjutant to the Chief of Police.

#### **1013.6 ADMINISTRATIVE REASSIGNMENT**

Administrative Reassignments are NOT considered permanent transfers. In addition, temporary transfers to LASPD Headquarters for a period of two weeks or less shall not be considered a permanent transfer. Employees may be Administratively Reassigned assigned to LASPD Headquarters or home for the following reasons:

- (a) Temporary modified-duty (light-duty) assignment.
- (b) Temporary Administrative Reassignment (e.g., LAUSD "Housed Employee") pending an internal investigation.
- (c) Unpaid and or Paid Administrative Leave pending and internal investigation.
- (d) Limited term special project or assignment.

The Chief of Police or his designee shall review all temporary assignments monthly to determine:

- (a) The necessity of continuing the temporary assignment.
- (b) The projected duration and or completion of the temporary assignment.
- (c) The recommendation to the Chief of Police to terminate the temporary assignment.

Notification to Unit A Collective Bargaining Unit shall be:

- (a) Provided within three working days of the affected employee(s) being notified.
- (b) Provided in writing by the the Chief of Police or his designee.

Note: The policy for temporary transfers may be waived by the Chief of Police or his designee for emergency situations (e.g., Modified Tactical Alert, exigent circumstances, etc.) or for training which is consistent with any applicable employee work restrictions.

# Transfers and Specialized Assignment Rotation Collective Bargaining Unit H

## 1014.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the requirements for transfer of assignment within the Los Angeles School Police Department consistent with the operational needs of the LASPD, and service needs of the LAUSD.

## 1014.2 POLICY

Transfers and Specialized Assignment Rotations shall be consistent with the current collective bargaining unit contracts and side letters.

# Specialized Assignment Rotation Bargaining Unit A

## 1015.1 PURPOSE AND SCOPE

The below policy will be implemented for all Unit A personnel, in a continuing effort to improve overall operational and administrative efficiency, and continue to allow for professional development.

## 1015.2 CAMPUS OFFICER/PATROL OFFICER ROTATION POLICY

The below policy is intended to balance the deployment needs of the LASPD, the service needs of the LAUSD, and the desires of employees to change assignments and allow for their professional development.

### 1015.2.1 CAMPUS OFFICER ASSIGNMENTS

A campus officer shall not be involuntarily "bumped" by another employee until the officer has completed a minimum of five years on the campus.

Note: An officer who was placed on a campus, not of his or her choice, may submit a Change of Assignment Request Form to another assignment, however, should have completed one year of the involuntary assignment prior to being transferred. This does NOT pertain to probationary employees who have NOT completed a two year campus assignment after probation, employees with less than three years of Campus Officer or Campus Support and Safe Passages experience wishing to transfer to a Specialized Assignment, or Administrative Transfers by the Chief of Police.

### 1015.2.2 CAMPUS SUPPORT AND SAFE PASSAGES PATROL ASSIGNMENTS

A Campus Support and Safe Passages assignment (day watch and off-hours) shall not be involuntarily "bumped" by another employee until the Campus Support and Safe Passages Officer has completed a minimum of two years in that assignment.

Note: An officer who was placed in a Campus Support and Safe Passages assignment, not of his or her choice, MAY ask for a transfer to another assignment; however, should have completed one year of the involuntary assignment prior to being transferred.

## 1015.3 SPECIALIZED UNIT ROTATION POLICY

The below policy is intended to balance the deployment needs of the LASPD, the service needs of the LAUSD, and the desires of employees to change assignments and allow for their professional development, and the additional investment of training, equipment, and job knowledge necessary to maintain a continuity of operations.

### 1015.3.1 K-9 UNIT

Ten years in the assignment from the date of the effective "transfer- in." Unit A members who were in the position on July 1, 2012, will be allowed to add ½ the K-9 Unit term of assignment to their current tour (five years).

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Note: A Senior Police Officer (SPO) position may be counted as a "start-over" date for ten additional years from the date of the SPO appointment should they come from within the unit.

#### 1015.3.2 SPECIALIZED ASSIGNMENTS

The policy includes, but is not limited to, the various specialized assignments currently utilized and staffed by the LASPD. The LASPD may add or remove specialized assignments at the discretion of the Chief of Police. The following specialized assignments are subject to this rotation policy:

- (a) Administrative Staff Support.
- (b) Backgrounds Unit.
- (c) Explorers/Police Activities League (PALs).
- (d) Technology Unit.
- (e) Training Unit.
- (f) Watch Officer.

Five years from the date of the effective transfer.

Employees may not transfer from one specialized unit to another (i.e. Technology Unit to Training Unit, K-9 Unit to PALS), without one year separation between specialized unit assignments unless no other employee has applied.

To be eligible for the above assignments, a sworn employee SHALL complete a minimum of two years on a campus (after probation) and one year in a Campus Support and Safe Passages assignment (three years total for eligibility). Two years shall be completed on a campus prior to ANY other assignment consideration.

#### 1015.4 ANCILLARY ASSIGNMENTS ROTATION POLICY

The below policy is intended to balance the deployment needs of the LASPD, the service needs of the LAUSD, and the desires of employees to change assignments and allow for their professional development, and the additional investment of training, equipment, and job knowledge necessary to maintain a continuity of operations in these ancillary assignments.

##### 1015.4.1 ANCILLARY ASSIGNMENTS

Ancillary assignments such as, but not limited to, the Firearms Training Unit (FTU), Defensive Tactics Unit (DTU), Critical Response Team (CRT), Honor Guard, etc. will be available for "bumping" once an employee has completed five years in the assignment when other employees who have "qualifications" for those positions have a desire to work the assignment.

The Chief of Police may add or remove ancillary assignments to the LASPD at his discretion.

Note: At least 50% of the unit shall have a minimum two years experience in the assignment prior to the majority officer(s) being "bumped." CRT shall have a staggered exit so that a minimum 75% experience rate of four or more years in the unit is maintained. In any of the above-listed ancillary assignments, the Chief of Police has the discretion to "extend" or "limit" an assignment for Department or LAUSD needs.

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##### **1015.5 ROTATION POLICY EXEMPTION**

Absent an Administrative Transfer by the Chief of Police, any Unit A employee with 25 or more years of service with the Department as a sworn officer is exempt from the above mandated transfers from a Division they are currently assigned. Specialized Assignments maximum limits shall apply.

##### **1015.6 SCHOOL SAFETY OFFICER ASSIGNMENT**

School Safety Officer assignment's such as campus based, Beaudry Building, or Parking Enforcement, will be available for "bumping" once the employee has completed five years in the assignment. "Bumping" can only be done by an SSO in the same salary basis, meaning an SSO on "A" basis salary can only "bump" an SSO on "A" basis salary. Those in the position as of July 1, 2012, may add 1/2 the maximum time to their assignment prior to being "bumped" out of their respective positions. Any SSO with five or more years at the same assignment as of July 1, 2012, may add another 2 1/2 years to their assignment.

**Note:** This does not apply when budgetary constraints cause reduction in force, basis modifications, or assignment changes as dictated by the Personnel Commission.

## Commendations and Awards

### 1016.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the LASPD and individuals from the community.

### 1016.2 POLICY

It is the policy of the LASPD 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.

### 1016.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

### 1016.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

#### 1016.4.1 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, bureau 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.

#### 1016.4.2 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, bureau and assignment at the date and time of the meritorious or commendable act

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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 person submitting the documentation.

#### 1016.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Commanding Officer for his/her review. The Commanding Officer 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 Administrative Services 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 Administrative Services Commanding Officer. The documentation will be signed by the Commanding Officer 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.

## Service Awards Program

### 1017.1 SERVICE AWARD PROGRAM PURPOSE AND SCOPE

The Los Angeles School Police Department is committed to develop and mentor personnel, build morale, and promote teamwork to empower the men and women of the LASPD to protect the people we serve. The LASPD Service Award Recognition Program commends and recognizes those employees who demonstrate the highest ideals, commitment to excellence, outstanding service and achievement, and who model exemplary behavior, which are the hallmarks of the Department's core values and ideology.

The mission of the Los Angeles School Police Department Service Award Recognition Program is to identify and recognize employees who have demonstrated exemplary service, leadership, achievement, innovation, or sacrifice. Employees who have met or exceeded the awards' criteria will be formally recognized for their actions in a manner to instill and inspire these attributes within the culture of the LASPD.

#### 1017.1.1 PURPOSE AND SCOPE

The purpose of the LASPD Service Awards Program is to recognize the actions of the men and women of the LASPD, who have performed above and beyond their normally assigned duties and expectations, which exemplifies the model for behavior and actions that all LASPD personnel should aspire to emulate.

#### 1017.1.2 SERVICE AWARD ACTIONS

LASPD employees may be nominated for Service Award recognition based on, but is not limited to, the following:

- Conspicuous bravery.
- Demonstrated exemplary service, leadership, achievement, innovation, or sacrifice.
- Actions and or performance that are above and beyond the typical duties of an employee.

Authorized medals which may be worn by an Officer, who processes the same. A single medal shall be worn centered on the top seam of the Officer's left breast pocket flap. If two (2) or more medals are to be worn they shall be worn on the top seam of the Officer's left breast pocket flap. The awards shall be centered on the shirt and extended toward the wear's left.

#### 1017.1.3 SERVICE AWARD DEFINITION AND ELIGIBILITY CRITERIA

The following Service Awards are listed in order of precedence:

(a) Medal of Valor:

1. Definition: The Medal of Valor is the Department's highest personal decoration and may be awarded to police officers who distinguish themselves by extraordinary heroism or bravery above and beyond the normal demands of police service.

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2. **Eligibility:** To be awarded the Medal of Valor, a police officer shall have performed an act displaying extreme courage in a life-threatening situation where the officer's life is in imminent peril (i.e., entering a burning building or vehicle, etc.). The award may be presented in addition to any higher award to which the recipient may be entitled.
  3. **Award Description:** Medal: silver, red, white, and blue (Model No. M10); Medal ribbon color: red/white/blue. Uniform service ribbon colors: red/white/blue (No. 3302, 7842701), centered silver colored letter V (No. 7657900).
- (b) **Police Star for Bravery:**
1. **Definition:** The Police Star for Bravery may be awarded to police officers who distinguish themselves by an act of courage without regard for personal safety.
  2. **Eligibility:** To be awarded the Police Star for Bravery, a police officer shall have performed an act displaying an exceptionally courageous act far above that which is normally expected (i.e., first responder to a mass casualty incident, entering the residence of an armed/suicidal suspect for a wellness check, etc.). The award may be presented in addition to any higher award to which the recipient may be entitled.
  3. **Award Description:** Medal: silver (Model No. M20); Medal ribbon color: red/white/red. Uniform service ribbon colors: red/white/red (No. 3402, 7844100), centered silver star (No. 7702100).
- (c) **Medal of Life Saving:**
1. **Definition:** The Medal of Life Saving may be awarded to police officers who distinguish themselves by an action that directly results in the saving of another human life.
  2. **Eligibility:** To be awarded the Medal for Life Saving, a police officer shall have saved the life of another person with the following conditions: The act performed must clearly result in the saving of another human life, and must be a direct result of the employee's actions (i.e., performing CPR, preventing a person from committing suicide, etc.). Appropriate medical documentation, when available, should accompany the recommendation. The award may be presented in addition to any higher award to which the recipient may be entitled.
  3. **Award Description:** Medal: silver (Model No. M40); Medal ribbon color: white/blue/white. Uniform service ribbon colors: white/blue/white (No. 3523, 7846123).
- (d) **Medal of Meritorious Service:**
1. **Definition:** The Medal of Meritorious Service may be awarded to police officers for lengthy and/or distinguished service of an exemplary nature to the Department far above that which is normally expected.

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2. **Eligibility:** To be awarded the Medal for Meritorious Service, a police officer shall have distinguished themselves by an individual performance(s) which sets that employee apart from their peers. The recommendation must be accompanied by documentation that clearly demonstrates the employee's actions significantly impacted the Department in a positive manner. The award may be presented in addition to any higher award to which the recipient may be entitled.
  3. **Award Description:** Medal: gold (Model No. M50); Medal ribbon color: gold/ blue/ gold. Uniform service ribbon colors: gold/blue/gold (No. 3502, 7845600).
- (e) **Medal of Distinguished Service:**
1. **Definition:** The Medal of Distinguished Service may be awarded to police officers for outstanding service of an exemplary nature to the Department far above that which is normally expected.
  2. **Eligibility:** To be awarded the Medal for Distinguished Service, a police officer shall have provided outstanding service which sets that employee apart from his/her peers. The recommendation must be accompanied by documentation that clearly demonstrates the employee's actions significantly impacted the Department in a positive manner. The award may be presented in addition to any higher award to which the recipient may be entitled.
  3. **Award Description:** Medal: silver (Model No. M50); Medal ribbon color: blue/ white/blue. Uniform service ribbon colors: blue/white/blue (No. 3401 (7844000)).
- (f) **Police Heart:**
1. **Definition:** The Police Heart may be awarded to police officers who shall have sustained a broken bone, permanent injury or physical disability (i.e., tendon, ligament, joint, etc.), loss of an appendage, internal injury, or gunshot/stab wound in the line of duty.
  2. **Eligibility:** To be awarded the Police Heart, a police officer shall meet the following conditions: The injury must be directly related to an incident where the officer received the injury while acting in the capacity of a police officer (i.e., caused by a violent/combatative struggle with a suspect, a non-preventable traffic accident, directly involved in a lifesaving effort, etc.). The injury must have received documented medical treatment from a bona fide medical physician or practitioner, which accompanies the recommendation. The award may be presented in addition to any higher award to which the recipient may be entitled. Note: Injuries sustained from falls, preventable traffic accidents, and other similar accidental means are not to be considered, unless the evidence clearly indicates the member received the injury while attempting to effect an arrest or rescue, and the member observed all reasonable safety precautions. The injury must

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not be the result of, or concurrent with, any conduct of the officer that is less than acceptable standards.

3. Award Description: Medal: gold and purple (Model No. M90); Medal ribbon color: purple. Uniform service ribbon colors: purple/white/purple (No. 3405, 7844260).

(g) Police Cross:

1. Definition: The Police Cross shall be awarded to police officers who are killed in the performance of their duties while protecting life and property. Since the sacrifice of a life in the service of the Department and community is a sacred and solemn occurrence, it is imperative that the presentation of this award to the employee's next of kin be done with the utmost decorum and dignity.
2. Eligibility: To be awarded the Police Cross, a police officer shall have been acting in the capacity of his/her sworn office and killed in the performance of his/her duties. The death must not be the result of, or concurrent with, any conduct of the recipient that is less than acceptable by all standards. The award may be presented in addition to any higher award to which the recipient may be entitled. Note: Posthumous awards are presented to the employee's next of kin. If the family requests an award for burial with the employee, a second medal will be provided by the Department.
3. Award Description: Medal: silver and black (Model No. M20); Medal ribbon color: black. Uniform service ribbon: black (No. 3013), which may be issued at the family's request.

(h) Unit Citation:

1. Definition: The Unit Citation Award Ribbon may be awarded to members of a Unit for distinguished and/or outstanding service to the Department and/or the community.
2. Eligibility: To be awarded the Unit Citation, a squad or unit shall have demonstrated outstanding achievement, excellence, teamwork, and/or esprit de corps in their performance above and beyond their normally assigned duties, which directly impacted and enhanced the completion of their assignment.
3. Award Description: Uniform service ribbon colors: gold/blue/gold/blue/gold (No. 1310FW, 78393001).

(i) Chief's Citation for Excellence:

1. Definition: Chief's Citation for Excellence may be awarded to employees for distinguished service above and beyond their normally assigned duties, which have a direct impact on the Department as a whole.
2. Eligibility: To be awarded the Chief's Citation for Excellence, a police officer shall have completed tasks and/or assignments, above and beyond his/her regularly

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assigned duties, which directly benefit the Department's ability to achieve its core mission. The recommendation must be accompanied by documentation that clearly demonstrates the employee's actions materially impacted the Department in a positive manner.

3. Award Description: Uniform service ribbon colors: blue/gold (No. 3201 (7841900)).

(j) Citation for Excellence:

1. Definition: The Citation for Excellence Award may be awarded to employees for distinguished service to the Department above and beyond their normally assigned duties, which have a direct impact on a specific aspect or segment of the Department.
2. Eligibility: To be awarded the Citation for Excellence, a police officer shall have completed a task(s) and/or assignment(s), above and beyond his/her regularly assigned duties, which significantly benefit a segment of the Department's ability to achieve its core mission. The recommendation must be accompanied by documentation that clearly demonstrates the employee's actions materially impacted the Department in a positive manner.
3. Award Description: Uniform service ribbon colors: blue/silver (No. 3224, 7842200).

(k) Community Policing Award:

1. Definition: The Community Policing Award may be awarded to employees for distinguished service to the community above and beyond their normally assigned duties.
2. Eligibility: To be awarded the Community Policing Award, a police officer shall have completed tasks and/or assignments, above and beyond his/her regularly assigned duties, which directly benefit the community and exemplify service. The recommendation must be accompanied by documentation that clearly demonstrates the employee's actions materially impacted the community in a positive manner.
3. Award Description: Uniform service ribbon colors: green/white/green (No. 3722, 7850103).

(l) Civilian (non-sworn/support staff) of the Year:

1. Definition: The Civilian of the Year Award may be awarded to a non-sworn LASPD employee whose work product, attitude, and demeanor exemplify dedication, excellence, and service to the Department. The recipient's actions, conduct, and demeanor should epitomize the model for behavior and performance for civilians (non-sworn/support staff).

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2. Eligibility: To be awarded the Civilian of the Year, an employee must have demonstrated outstanding performance, service, achievement, and attendance, which serves as an example and role model for other employees to emulate.
    - (a) Note: Employees who have poor attendance and or demonstrated poor performance which has been documented via Comment Sheet(s)/ Summary(ies) of Conference, Written Reprimand(s); who have pending Service Complaints, Internal Affairs Investigations for misconduct, sustained personnel complaints; or who have been disciplined/pending discipline (i.e., demotion, suspension, etc.) during the year under consideration, are not eligible to be nominated for or receive an award for the year's body of work.
  3. Award Description: Certificate of Commendation.
- (m) School Safety Officer of the Year:
1. Definition: The School Safety Officer of the Year Award may be awarded to a school safety officer whose work product, attitude, and demeanor exemplify dedication, excellence, and service to the Department. The recipient's actions, conduct, and demeanor should epitomize the model for behavior and performance for school safety officers.
  2. Eligibility: To be awarded the School Safety Officer of the Year, a school safety officer must have demonstrated outstanding performance, service, achievement, and attendance, which serves as an example and role model for other employees to emulate.
    - (a) Note: Employees who have poor attendance and or demonstrated poor performance which has been documented via Comment Sheet(s)/ Summary(ies) of Conference, Written Reprimand(s); who have pending Service Complaints, Internal Affairs Investigations for misconduct, sustained personnel complaints; or who have been disciplined/pending discipline (i.e., demotion, suspension, etc.) during the year under consideration, are not eligible to be nominated for or receive an award for the year's body of work.
  3. Award Description: Certificate of Commendation.
- (n) Officer of the Year:
1. Definition: The Officer of the Year Award may be awarded to a police officer whose work product, attitude, and demeanor exemplify dedication, excellence, and service to the Department. The recipient's actions, conduct, and demeanor should epitomize the model for behavior and performance for police officers.

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2. Eligibility: To be awarded the Officer of the Year, a police officer must have demonstrated outstanding performance, service, achievement, and attendance, which serves as an example and role model for other employees to emulate.
  - (a) Note: Employees who have poor attendance and or demonstrated poor performance which has been documented via Comment Sheet(s)/ Summary(ies) of Conference, Written Reprimand(s); who have pending Service Complaints, Internal Affairs Investigations for misconduct, sustained personnel complaints; or who have been disciplined/pending discipline (i.e., demotion, suspension, etc.) during the year under consideration, are not eligible to be nominated for or receive an award for the year's body of work.
3. Award Description: Certificate of Commendation.
  - (o) Detective of the Year:
    1. Definition: The Detective of the Year Award may be awarded to a detective whose work product, attitude, and demeanor exemplify dedication, excellence, and service to the Department. The recipient's actions, conduct, and demeanor should epitomize the model for behavior and performance for detectives.
    2. Eligibility: To be awarded the Detective of the Year, a detective must have demonstrated outstanding performance, service, achievement, attendance, and investigative abilities, which serves as an example and role model for other employees to emulate.
      - (a) Note: Employees who have poor attendance and or demonstrated poor performance which has been documented via Comment Sheet(s)/ Summary(ies) of Conference, Written Reprimand(s); who have pending Service Complaints, Internal Affairs Investigations for misconduct, sustained personnel complaints; or who have been disciplined/pending discipline (i.e., demotion, suspension, etc.) during the year under consideration, are not eligible to be nominated for or receive an award for the year's body of work.
    3. Award Description: Certificate of Commendation.
  - (p) Sergeant of the Year:
    1. Definition: The Sergeant of the Year Award may be awarded to a sergeant whose work product, attitude, and demeanor exemplify dedication, excellence, service, and leadership to the Department. The recipient's actions, conduct, and demeanor should epitomize the model for behavior and performance for sergeants.

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2. Eligibility: To be awarded the Sergeant of the Year, a sergeant must have demonstrated outstanding performance, service, achievement, attendance, and leadership, which serves as an example and role model for other employees to emulate.
  - (a) Note: Employees who have poor attendance and or demonstrated poor performance which has been documented via Comment Sheet(s)/ Summary(ies) of Conference, Written Reprimand(s); who have pending Service Complaints, Internal Affairs Investigations for misconduct, sustained personnel complaints; or who have been disciplined/pending discipline (i.e., demotion, suspension, etc.) during the year under consideration, are not eligible to be nominated for or receive an award for the year's body of work.
3. Award Description: Certificate of Commendation.

See attachment: [Medals.jpg](#)

#### 1017.1.4 WHO MAY MAKE NOMINATIONS

A written nomination for a LASPD Service Award may be made by any employee regarding any other employee of the Department

#### 1017.1.5 SERVICE AWARD NOMINATION FORM

The LASPD Service Award Nomination form shall be used to document the incident(s) and or service of the employee(s) who have demonstrated exemplary service, leadership, achievement, innovation, or sacrifice.

Each Service Award Nomination form shall contain the following:

- (a) Employee name, bureau, and assignment.
- (b) The date and time of the incident(s) and or act(s) of service.
- (c) A brief but specific account of the incident(s) and or act(s) of service shall be documented on the form.
- (d) Include any available supporting documentation:
  1. Incident report(s) (i.e., crime, arrest, etc.).
  2. Commendations and or letters of recommendation.
  3. Documented body of work (i.e., video, photos, print, etc.).
  4. Media articles (i.e., video, photos, print, etc.).
- (e) Signature of the commending supervisor.

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Completed Service Award Nomination forms shall be forwarded to the appropriate Commanding Officer for his/her review. The Commanding Officer shall sign and forward the Service Award Nomination form through the chain of command to the Office of the Chief of Police.

The Office of the Chief of Police shall assign the Service Award Nomination to the Awards Committee for review.

#### **1017.2 SERVICE AWARDS COMMITTEE**

##### 1017.2.1 SERVICE AWARDS COMMITTEE COMPOSITION

The Awards Committee shall be composed of the following ranks:

- Lieutenant (chairperson)
- Lieutenant (co-chairperson)
- Sergeant
- Detective
- Senior Police Officer
- Police Officer
- School Safety Officer

##### 1017.2.2 SERVICE AWARDS COMMITTEE RESPONSIBILITIES

The Awards Committee shall be responsible to:

- (a) Review the Service Award nominations submitted throughout the year.
  1. Note: The Awards Committee Chair shall redact the identifiers (i.e., the nominee(s) name/assignment, the nominator's name/assignment) for all awards nominations prior to the Awards Committee review. This practice is to ensure that only the employee's merits articulated in the award nomination are considered to determine whether the employee met the LASPD Service Awards eligibility requirements.
- (b) Determine if the Service Award nominations meet the eligibility criteria.
- (c) Complete the LASPD Service Awards Committee Review Form:
  1. Review each Service Award nomination and determine the appropriate finding (i.e., Approved, Rejected, or Reclassified).
  2. Submit the recommendation to the Chief of Police for final review and approval.

Previous selection/nomination for an award(s) shall not preclude an employee from receiving an award multiple times. The LASPD does not limit the number of service awards that may be awarded during the year's body of work. This philosophy does not dilute the quality of the award;

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instead, it appropriately recognizes ALL employees who have met the eligibility requirements for the applicable award.

There should only be one recipient for the "of the Year" award for each rank. However, if the body of work for more than one person in a category is substantial and rises to the same level of excellence, the committee may select a "Co-of the Year" award.

Note: Employees who have pending discipline, or have been disciplined during the year under consideration, are not eligible to be nominated for or receive an award for the year's body of work (i.e. Officer/Supervisor of the Year).

### **1017.3 LASPD SERVICE RIBBON PROGRAM**

#### 1017.3.1 PURPOSE AND SCOPE

The purpose of the LASPD Service Ribbons Program is to recognize the actions of the men and women of the LASPD, performing above and beyond their normally assigned duties during significant events, as unusual occurrences, and or natural disasters (i.e., civil unrest, earthquakes, assignments during political/sporting events, etc.).

In addition, the LASPD may identify service ribbons to recognize the service of specialized units (i.e., Critical Response Team, Honor Guard, etc.), which provide an ongoing significant benefit or service to the LASPD and/or the community.

#### 1017.3.2 ESTABLISHMENT OF NEW SERVICE RIBBONS

The following criteria shall be used as a baseline to identify the reason and/or necessity to create a new LASPD Service Ribbon for a significant event(s):

- (a) Single significant event: Affects the service and personnel of the LASPD (i.e., Earthquakes, Terrorist Attacks September 11, 2001, etc.).
  - 1. Multiple significant events: Affects the service and personnel of the LASPD (i.e., Soccer Riots, etc.).
  - 2. Protracted significant events: Affects the service and personnel of the LASPD (i.e., Student Demonstration Walkouts 2006, etc.).
- (b) Additional contributing factors and criterion may include, but not be limited to:
  - 1. Multiple/extended modified tactical alerts.
  - 2. Phase I and Phase II Mobilizations.
  - 3. Multiple/ongoing demonstrations.
  - 4. Multiple/extended time periods (i.e., spanning several weeks/months, reoccurring weekly/monthly, etc.).

The following criteria shall be used as a baseline to identify the reason and/or necessity to create a new LASPD Service Ribbon for a specialized unit:

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- (a) Significant contribution to the LASPD to include one or more of the following:
  - (a) Specialized training/technical expertise required above and beyond normally assigned duties and training.
  - (b) Unit personnel provide advanced training and/or service to the men and women of the LASPD.
  - (c) Law enforcement recognition based upon industry standards.

Volunteer service (i.e., time/service is given without compensation, etc.) which provides a significant benefit to the LASPD and/or the community.

#### 1017.3.3 SERVICE RIBBON DEFINITION AND ELIGIBILITY

The following Service Ribbons are listed in order of precedence:

- (a) Perfect Attendance:
  - 1. Definition: The Perfect Attendance Service Ribbon may be awarded to police officers who have perfect attendance for the previous fiscal year (July 1 through June 30). This service ribbon is designated to recognize the achievement of perfect attendance and the commitment to duty.
  - 2. Eligibility: To be awarded the Perfect Attendance Service Ribbon, an employee must have zero absences (illness or personal necessity) from their regularly assigned work schedule for the previous fiscal year for one to four years. Authorization to wear the ribbon is for the duration of the following fiscal year. Note: Employees who have five consecutive years of perfect attendance shall be awarded a silver star and are authorized to wear the service ribbon for the remainder of their career. Each additional five years of perfect attendance shall be awarded an additional silver star (the additional five year increments need not be consecutive).
  - 3. Award Description: Uniform service ribbon colors: white/black/white (No. NS1313, 7839301).
- (b) Critical Response Team (formerly the Special Response Team (SRT)):
  - 1. Definition: The Critical Response Team (CRT) Service Ribbon may be awarded to police officers who have received specialized training and served on the LASPD Critical Response Team. This service ribbon is designated to recognize the ancillary training and assignment of high-risk duties specific to the CRT.
  - 2. Eligibility: To be awarded the Critical Response Team (CRT) Service Ribbon, an employee must have been assigned to the CRT for at least one year.
  - 3. Award Description: Award Description: Uniform service ribbon colors: dark blue/grey/black/grey/bark blue (No. 3717, 7850080).
- (c) Honor Guard:

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1. Definition: The Honor Guard Service Ribbon may be awarded to police officers who have received specialized training and served on the LASPD Honor Guard. This service ribbon is designated to recognize the ancillary/volunteer commitment and assignment of duties specific to the Honor Guard.
  2. Eligibility: To be awarded the Honor Guard Service Ribbon, an employee must have been assigned to the Honor Guard for at least three months.
  3. Award Description: Uniform service ribbon colors: blue/black (No. 3270, 7842399).
- (d) Los Angeles Olympics 1984:
1. Definition: The Los Angeles Olympics 1984 Service Ribbon may be awarded to police officers for service during the 1984 Olympics. This service ribbon is designated to recognize the actions and service of LASPD personnel during this event.
  2. Eligibility: To be awarded the Los Angeles Olympics 1984 Service Ribbon, an employee must have been employed by the LASPD during the 1984 Olympics deployment.
  3. Award Description: Uniform service ribbon colors: white /Blue/ White/Red/White (No. 5315, 7854501).
- (e) Los Angeles Teachers' Strike 1989:
1. Definition: The Los Angeles Teachers' Strike 1989 Service Ribbon may be awarded to police officers for service during the 1989 LAUSD Teacher's Strike. This service ribbon is designated to recognize the actions and service of LASPD personnel during this event.
  2. Eligibility: To be awarded the Los Angeles Teachers' Strike 1989 Service Ribbon, an employee must have been employed by the LASPD during the 1989 LAUSD Teacher's Strike.
  3. Award Description: Uniform service ribbon colors: yellow/blue/yellow horizontal stripes (No. 5308, 7854260).
- (f) Los Angeles Riots 1992:
1. Definition: The Los Angeles Riots 1992 Service Ribbon may be awarded to police officers for service during the 1992 Los Angeles Riots. This service ribbon is designated to recognize the actions and service of LASPD personnel during this incident.
  2. Eligibility: To be awarded the Los Angeles Riots 1992 Service Ribbon, an employee must have been employed by the LASPD during the 1992 Los Angeles Riots.

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3. Award Description: Uniform service ribbon colors: green/gold/green (No. 3414, 7844800).
- (g) Los Angeles Riot Trials 1993:
1. Definition: The Los Angeles Riot Trials 1993 Service Ribbon may be awarded to police officers for service during the 1993 Los Angeles Riot Trials. This service ribbon is designated to recognize the actions and service of LASPD personnel during this event.
  2. Eligibility: To be awarded the Los Angeles Riot Trials 1993 Service Ribbon, an employee must have been employed by the LASPD during the 1993 Los Angeles Riots Trials.
  3. Award Description: Uniform service ribbon colors: blue/white/blue (No. NS-1293, 7904237).
- (h) Earthquake 1994:
1. Definition: The Earthquake 1994 Service Ribbon may be awarded to police officers for service during the 1994 Earthquake. This service ribbon is designated to recognize the actions and service of LASPD personnel during this incident. In addition, this award may awarded to police officers employed by the LASPD during subsequent earthquake deployments.
  2. Eligibility: To be awarded the Earthquake 1994 Service Ribbon, an employee must have been employed by the LASPD and on duty during the 1994 Earthquake, or subsequent earthquake deployments as noted above.
  3. Award Description: Uniform service ribbon colors: gold/navy blue/gold (No. 5160, 7853560).
- (i) World Cup Soccer Riots 1994/1998:
1. Definition: The World Cup Soccer Riots 1994/1998 Service Ribbon may be awarded to police officers for service during the 1994 and/or 1998 World Cup Soccer Riots. This service ribbon is designated to recognize the actions and service of LASPD personnel during this incident.
  2. Eligibility: To be awarded the World Cup Soccer Riots 1994/1998 Service Ribbon, an employee must have been employed by the LASPD and on duty during the 1994 and/or 1998 World Cup Soccer Riots.
  3. Award Description: Uniform service ribbon colors: blue/white/red/tan/red/ white/ blue (No. 3750, 7850190).
- (j) Democratic National Convention:
1. Definition: The Democratic National Convention (DNC) 2000 Service Ribbon may be awarded to police officers for service during the 2000 Democratic

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National Convention. This service ribbon is designated to recognize the actions and service of LASPD personnel during this event.

2. Eligibility: To be awarded the Democratic National Convention (DNC) 2000 Service Ribbon, an employee must have been employed by the LASPD and on duty during the 2000 Democratic National Convention.
  3. Award Description: Uniform service ribbon colors: blue/white/blue/red/ white/red/white/red/blue/white/blue (no. 5137, 7853460).
- (k) September 11, 2001 World Trade Center Terrorist Attack:
1. Definition: The September 11, 2001 World Trade Center Terrorist Attack Service Ribbon may be awarded to police officers for service during the World Trade Center Attacks on September 11, 2001. This service ribbon is designated to recognize the actions and service of LASPD personnel during this incident.
  2. Eligibility: To be awarded the September 11, 2001 World Trade Center Terrorist Attack Service Ribbon, an employee must have been employed by the LASPD and on duty during the World Trade Center terrorist attacks on September 11, 2001.
  3. Award Description: Uniform service ribbon colors: maroon/blu/wht/blu/wht/blu/wht/blu/maroon (No. 3715, 7850040).
- (l) HR4434 Student Demonstration/Walkouts 03/2006:
1. Definition: The HR4434 Student Demonstration/Walkouts 03/2006 Service Ribbon may be awarded to police officers for service during the March 2006 HR4434 Student Demonstration/Walkouts. This service ribbon is designated to recognize the actions and service of LASPD personnel during this incident.
  2. Eligibility: To be awarded the HR4434 Student Demonstration/Walkouts 03/2006 Service Ribbon, an employee must have been employed by the LASPD and on duty during the March 2006 HR4434 Student Demonstration/Walkouts.
  3. Award Description: Uniform service ribbon colors: dark green/light blue/red/light blue/dark green (No. 3662, 7849002).

Note: All ribbons and award part numbers refer to Vanguard item numbers.

[See attachment: Order of Precedence for Wearing Service Ribbons 11-10-07.jpg](#)

#### **1017.4 WEARING OF SERVICE AWARDS AND SERVICE RIBBONS**

##### **1017.4.1 WEARING OF SERVICE AWARD MEDALS**

Employees are authorized to wear the service award medal they are awarded around the neck during the ceremony in which they received the medal.

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The Service Award Ribbon accompanying the Service Award Medal is authorized to be worn on a Class A or B uniform and or during formal inspections as outlined in Policy Section Wearing of Service Ribbons.

Note: Service Award Medals are not authorized to be worn during formal inspections.

#### 1017.4.2 WEARING OF SERVICE RIBBONS

The wearing and placement of services ribbons on the uniform shall be as follows:

- (a) Service ribbons shall be worn in order of precedence from top to bottom, right to left (wearer's right), immediately below the uniform badge ending above the top of the left pocket seam.
- (b) Service ribbons should be worn during formal uniform inspections.
- (c) Service ribbons may be worn on a Class A or Class B uniform.
- (d) Service ribbons shall not be worn on a Class C uniform (i.e., summer uniform, tactical dress uniform (TDU), or bike uniform, etc.).
- (e) Service ribbons should be clean and in good repair.

#### 1017.4.3 ORDER OF PRECEDENCE FOR WEARING SERVICE RIBBONS

The Department recognizes that many employees have distinguished themselves in a variety of circumstances and received recognition from organizations outside the LASPD from the United States Armed Forces, Federal and Local government, as well as other law enforcement agencies. Therefore, uniformed employees may wear service ribbons in the following order of precedence:

- (a) International Governments
- (b) United States Armed Forces
- (c) Federal Government
- (d) State Government
- (e) Los Angeles School Police Department
- (f) Other law enforcement agencies (i.e., service award ribbon(s) received from a previous law enforcement agency, prior employment, etc.)

#### **1017.5 NON-DEPARTMENT/OUTSIDE AGENCY RECOGNITION**

##### 1017.5.1 PURPOSE AND SCOPE

The purpose of the LASPD Non-Department/Outside Agency Recognition Program is to recognize the actions of individuals or groups that have demonstrated significant and or ongoing commitment to school/student safety or exemplary service to assist LASPD personnel, and or the LASPD in creating a safe learning environment.

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#### 1017.5.2 NON-DEPARTMENT/OUTSIDE AGENCY RECOGNITION DEFINITION AND ELIGIBILITY

The following establishes the criteria for the recognition and eligibility for non-Department employees to receive:

- (a) Non-Department/outside agency recognition:
  1. Definition: LAUSD employees, emergency services personnel (i.e., fire department, law enforcement, paramedics, etc.), or citizens from the community (i.e., parents, local leaders, business owners, etc.), may be recognized for their distinguished commitment to school/student safety or exemplary service to assist the LASPD in creating a safe learning environment.
  2. Eligibility: To be recognized, a recipient shall have demonstrated exemplary and/or outstanding achievement to improve school/student safety or exemplary service to the LASPD. The recommendation must be accompanied by documentation that clearly demonstrates the recipient's actions, which materially impacted student safety or LASPD in a positive manner.
  3. Award Description: Certificate and or plaque.

## Fitness for Duty

### 1018.1 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).

### 1018.2 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.

### 1018.3 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 Sergeant or employee's available Commanding Officer, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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#### **1018.4 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.

#### **1018.5 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 notification by the Watch Sergeant or Commanding Officer to the Office of the Chief of Police, 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 well being 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.

##### **1018.5.1 CRITICAL INCIDENT DEBRIEFS FOLLOWING TRAUMATIC EVENTS**

Due to the nature of their duties, law enforcement personnel must respond to and deal with a variety of incidents, some of which may invoke psychological trauma. While the incidents themselves are beyond control, the Department does have the ability and the responsibility to assist employees in alleviating or at least minimizing its effects. Critical Incident Debriefs have been an effective tool. While counseling is available through a Worker's Compensation claim, the Department requires individual Critical Incident Debriefs in the following cases:

- (a) Shooting Incidents: All Officers who discharge their weapons and caused death or injury to another person and, in some cases, where Officers were faced with a similar threat level, but decided not to fire their weapons.
- (b) Serious Injury or Death: All employees who, while on-duty, witnessed or were actively involved in an event causing the serious injury or death to another person.
- (c) Death or Serious Injury Caused by a Police Vehicle: The vehicle's operator and any employee who was a passenger.
- (d) Life Threatening Attack on Themselves or Another: All Officers who, while on-duty, were involved in a life threatening attack on themselves or who witness a life threatening attack on another Officer.
- (e) Military Combat: All Officers who have served in a Military combat situation and they disclose to the Department that they witnessed or were actively involved in an event causing serious injury or death to another person.

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Employees responding to critical incidents involving the death of a baby, serious or bizarre child abuse, especially gruesome traffic collisions or homicides, or multi-casualties; i.e., traffic collision or plane crash, may be required to attend a Critical Incident Debrief. It may be conducted in a group setting when several employees are involved. The Watch Sergeant or any other Commanding Officer shall notify the Commanding Officer of Support Services Bureau whenever a Critical Incident Debrief is required or advisable. The certified mental health practitioner may respond to the Department and will be granted access to the involved employee(s) upon the completion on any criminal and/or administrative interviews. Critical Incident Debriefs are strictly confidential and all statements will be protected by doctor/patient privilege. Critical incident debriefs are not considered a fitness for duty evaluation.

#### **1018.6 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 Personnel Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10(c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Department may provide all appropriate documents related to the incident which gave rise to the fitness for duty evaluation and/or treatment, with a copy provided to the employee.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination. Employees will not be compelled to waive medical privacy rights.
- (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.

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##### **1018.7 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.

##### **1018.8 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.

## Meal Periods and Breaks

### 1019.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as applicable, shall conform to the employees' Collective Bargaining Agreements.

#### 1019.1.1 MEAL PERIODS

Sworn employees shall remain on duty, subject to call, during meal breaks.

Uniformed personnel should take their breaks within the LAUSD limits unless on assignment outside of the LAUSD.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1019.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty, unless the employee was prevented from taking their 15 minute break due to work related activity. No breaks should be taken during the first or last hour of an employee's shift unless approved by a supervisor. Sworn personnel assigned to a campus should coordinate their breaks to avoid critical time periods on campus (i.e., nutrition, lunch, dismissal, etc.).

Uniform personnel assigned to the field will take their breaks in their assigned areas, subject to call and shall monitor their radios. When uniform personnel assigned to the field take their breaks away from their vehicles, they should do so only after notification to the Communications Center.

## Lactation Break Policy

### 1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

### 1020.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

### 1020.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1020.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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##### **1020.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

##### **1020.5.1 STATE REQUIREMENTS**

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

## Payroll Record Procedures

### 1021.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

#### 1021.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

Employees should submit their completed Overtime Entry to any on-duty supervisor or the Watch Sergeant using the Online Management System (OMS).

- (a) On the date worked, or
- (b) Upon the day they return to duty.

All overtime entries shall be submitted within 72 hours of the overtime shift worked. Any exception to this time-line shall require the attachment of an Employee Report Form to the overtime entry explaining the reason for the delay.

Supervisors shall within 24 hours:

- (a) Review overtime entry.
- (b) Approve or deny (e.g., missing information).
- (c) Communicate any Overtime Authorization issues or problems to their Commanding Officer.

Commanding Officers shall provide appropriate oversight, which may include additional Overtime Authorization signature requirements or other measures of accountability.

#### 1021.1.2 TIME REQUIREMENTS

Payroll records shall be completed and submitted to Administrative Services Division Payroll Unit without delay and within 24 hours of receiving them, unless specified otherwise.

### 1021.2 QUESTIONS REGARDING PAYROLL

Any employee, who has a question regarding payroll issues, is to contact her / her immediate supervisor.

### 1021.3 RECORDS

The Administrative Services Commanding Officer shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## Overtime Compensation Requests

### 1022.1 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 various union contracts, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an Overtime Authorization Form as soon as practical after overtime is worked.

Overtime is defined as one and one-half times the employee's regular rate of pay. Overtime will be paid for all hours worked in excess of the employee's designated work day hours (10-hour day, 8-hour day, etc.) or over forty hours in any work week.

#### 1022.1.1 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.

The individual employee may request compensatory time in lieu of receiving overtime payment; however, the employee may not exceed 130 hours of overtime (equivalent to 195 hours of compensatory time).

#### 1022.1.2 LIMITATIONS

Employees who are temporarily assigned to the following positions are NOT authorized to work overtime assignments:

- (a) Temporary modified-duty (light-duty).
- (b) Temporary Administrative Reassignment (LAUSD "Housed Employee") pending an internal investigation.
- (c) Unpaid and or Paid Administrative Leave pending and internal investigation.

### 1022.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

#### 1022.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the Overtime Authorization by using the Online Management System immediately after working the overtime and submit it to their immediate supervisor. Employees

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working an assignment or court appearance on an on-call basis during an off-duty period of time, shall submit the Overtime Authorization to their supervisor upon returning for work.

Employees and their supervisors shall monitor the amount of overtime worked and remain alert for signs of fatigue or other officer safety related issues.

All sworn employees will adhere to a 90-hour threshold maximum combination of pre-scheduled and or spontaneous overtime per deployment period. Spontaneous overtime may include, but not limited to: court, late arrests/reports, tactical alerts, or other emergencies. It is the responsibility of each employee to track their own overtime throughout the deployment period. Employees shall advise the supervisor who authorizes the pre-planned overtime hiring of the amount of overtime hours that employee has in the aggregate at the time hired (combined pre-planned and spontaneous) for that current deployment period. Any employee who has reached the 90-hour threshold prior to working a shift shall have Commanding Officer approval to work additional overtime.

#### 1022.2.2 SUPERVISORS RESPONSIBILITY

The supervisor authorizing the overtime worked, and the employees' regularly assigned supervisor shall ensure proper monitoring of the 90-hour threshold.

Supervisors approving the overtime hiring shall ensure that any employee at the 90-hour threshold, prior to working the shift, has Commanding Officer approval to work the additional overtime.

The supervisor who verifies the Overtime Authorization Form shall verify that the overtime was worked before approving the request. After the authorization has been made, the Overtime Authorization Form shall be forwarded to the Payroll Unit for processing.

#### 1022.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status.

The Unions Collective Bargaining Agreements identify a minimum number of hours that will be paid in certain circumstances (e.g., court, stand-by time, call back to duty time, etc.), in these instances, the supervisor will authorize the time worked in accordance with the employee's Collective Bargaining Agreement.

##### 1022.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be calculated by minutes to decimals as indicated by the following chart:

01=.02	11=.18	21=.35	31=.52	41=.68	51=.85
02=.03	12=.20	22=.37	32=.53	42=.70	52=.87
03=.05	13=.22	23=.38	33=.55	43=.72	53=.88
04=.07	14=.23	24=.40	34=.57	44=.73	54=.90
05=.08	15=.25	25=.42	35=.58	45=.75	55=.92
06=.10	16=.27	26=.43	36=.60	46=.77	56=.93

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07=.12	17=.28	27=.45	37=.62	47=.78	57=.95
08=.13	18=.30	28=.47	38=.63	48=.80	58=.97
09=.15	19=.32	29=.48	39=.65	49=.82	59=.98
10=.17	20=.33	30=.50	40=.67	50=.83	60=1.00

#### 1022.3.2 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 Sergeant or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

# Occupational Disease and Work-Related Injury Reporting

## 1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

### 1023.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

## 1023.2 POLICY

The LASPD will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

### 1023.2.1 INDUSTRIAL ACCIDENTS REQUIRING MEDICAL ATTENTION

Injured personnel can seek medical attention from a District authorized doctor, clinic or hospital. In instances where an employee's accident is serious enough to warrant immediate medical attention, the employee shall be transported to a designated emergency hospital. If the transportation requires an ambulance, the Watch Commander shall be advised, who, in turn, will make the proper contacts.

If an accident involves serious injury, illness or a fatality, the Watch Commander shall notify:

- A. The employee's Division Deputy Chief.
- B. Chief of Police

A serious injury or illness is one in which the employee:

- A. Is expected to be hospitalized for twenty-four (24) hours and treatment involves more than medical observation.
- B. Suffers loss of any member of the body.
- C. Suffers any serious degree of permanent disfigurement.

## 1023.3 NOTIFICATION OF ABSENCE

Personnel that miss work due to an occupational diseases or work-related injury must notify the Watch Commander's Office of their absence. Personnel that are on long term leave (more than thirty (30) days) may notify the Watch Commander's Office of their absence on a weekly basis.

The employee shall submit certification of his / her absence and shall be presented to his / her supervisor after such leave. The employee's supervisor shall forward the completed form and any other related verification to the Payroll Unit.

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##### **1023.3.1 MEMBER RESPONSIBILITIES**

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

Each time an employee is seen by a physician, a doctor's slip must be completed and returned to his / her supervisor.

##### **1023.3.2 SUPERVISOR RESPONSIBILITIES**

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Districtwide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

When an accident, injury, or illness is reported, the Workers Compensation Claim Form Packet shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.

Reports shall be forwarded to the Office of the Chief of Police.

##### **1023.3.3 CHIEF OF POLICE RESPONSIBILITIES**

The Chief of Police or their designee shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

##### **1023.4 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Commanding Officer through the chain of command and a copy sent to the Administrative Services Commanding Officer.

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.

##### **1023.5 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or

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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.

##### **1023.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the District to determine whether the offered settlement will affect any claim the District may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the District's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

##### **1023.6 ADMINISTRATIVE SERVICES RESPONSIBILITY**

The Assistant Chief of Administrative Services shall maintain staff control over personnel that miss work due to an occupational diseases or work-related injury and over personnel that are part of the Early Return to Work Program (light-duty personnel).

##### **1023.7 EMERGENCY TRANSPORTATION OF OFFICERS INJURED ON-DUTY**

An Officer injured on-duty and in need of emergency treatment shall be transported to the nearest qualified emergency facility. If the need for emergency transportation is immediate, a patrol vehicle may be used to transport the Officer if:

- A. The delay of waiting for an ambulance would be detrimental to the Officer's well being;  
and
- B. Transportation in a patrol vehicle will not aggravate the injuries.

## Personal Appearance Standards

### 1024.1 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.

### 1024.2 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.

#### 1024.2.1 HAIR

Hair will be neat, clean and present a well-groomed appearance. Hair shall conform to contemporary community standards prescribed as acceptable business appearance. Hair pieces such as wigs and toupees, if worn while in uniform or while in an on-duty status, shall fit properly and present a natural color and appearance.

For male sworn members and school safety officers, haircuts will conform to certain standards. The hair on top of the head must be neatly groomed. The length and bulk of the hair may not be excessive or present a ragged, unkempt, or extreme appearance. The hair must present a tapered appearance. A tapered appearance is one where the outline of the male's hair conforms to the shape of the head, curving inward to the natural termination point at the base of the neck. The hair will not fall over the ears or eyebrows, or touch the collar, except for the closely cut hair at the back of the neck. The block-cut fullness in the back is permitted to a moderate degree, as long as the tapered look is maintained. Pony tails or braids may not be worn.

For female sworn members and school safety officers, when in uniform, hair may touch but not fall, more than one inch below the lower edge of the collar. Pony tails or braids may be worn only if the hair is fastened closely enough to the head so it cannot be grasped. Hair ornaments such as ribbons shall not be worn. Pins, combs or barrettes similar in color to the individual's hair color may be worn.

#### 1024.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend more than one-half inch beyond the corners of the mouth.

#### 1024.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the earlobes and shall be trimmed and neat.

#### 1024.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn.

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##### **1024.2.5 FINGERNAILS**

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. Employees fingernails shall have a manicured appearance. Officers' fingernails shall not extend more than one fourth (1/4) inch from the tip of the finger or interfere in any way in the performance of police duties.

Uniformed female employees wearing fingernail polish shall use a conservative shade, without details or ornamentation, and shall not detract from uniform appearance.

##### **1024.3 EARRINGS/BRACELETS/ORNAMENTS**

Uniformed employees shall not wear any unauthorized jewelry. Generally, necklaces concealed by the shirt, non-conspicuous rings and watches are authorized.

- Rings may only be worn on one finger of each hand.

Sworn and non-sworn Department uniformed personnel, while on-duty, shall not wear visible body ornamentation including, but not limited to, earrings, nose studs, nose or eyebrow rings, tongue studs or rings/ tongue splitting, lip studs or rings, non-medical alert necklaces or bracelets.

Exceptions: Female uniformed officers may wear conservative earrings that cannot be grabbed by a suspect or do not present an officer safety issue.

A Police or Military "Killed in the Line of Duty" remembrance bracelet or a medical alert bracelet may be worn.

##### **1024.4 TATTOOS**

Sworn and non-sworn Department uniformed personnel and sworn plainclothes employees, while on-duty, shall not display any tattoos and/or body art. Personnel shall cover all tattoos/body art by wearing an authorized long-sleeved uniform shirt, if in a uniform; if in business attire, the business attire shall cover all tattoos. However, if an employee has only one tattooed/body art area of a three-inch square or less to cover, the officer may, instead of wearing a long-sleeved shirt, cover that area with only one patch, of a color as close to the wearer's skin color as is reasonably available, up to a three-inch square. Bike officers shall adhere to the same policy guidelines by wearing long pants should they have a tattoo/body art on their legs.

If the tattoo/body art area is more than can be covered by a three-inch square skin patch, the officer shall wear long-sleeved uniform shirt, long pants if a Bike officer or business attire, as appropriate for the assignment.

Exceptions: Personnel who had tattoos PRIOR to November 16, 2011, and submitted their requests to the Office of the Chief of Police may wear the short-sleeved shirt and have tattoos/body art visible so long as they comply with the Chief of Police exceptions note dated November 27, 2011.

Note: Employees meeting the exception clause (grandfathered) may NOT add to an existing tattoo or add a new tattoo after November 16, 2011, or they will be held accountable to the same uniform requirements of this policy.

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At no time, under any circumstances, may an on-duty sworn or non-sworn uniformed employee display tattoos/body art or body markings on the head, neck, or any portion of the hand.

#### **1024.5 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

## Uniform Regulations

### 1025.1 PURPOSE AND SCOPE

The uniform policy of the LASPD 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 LASPD 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.

### 1025.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events. Employees may wear their uniforms off-duty at off-duty functions for which the wearing of the uniform has been authorized by a Lieutenant.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

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- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
  - 1. Wrist watch
  - 2. Wedding ring, class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
  - 3. Medical alert bracelet
- (l) When off duty, Officers shall store issued equipment in a safe and secure location. Every reasonable effort should be taken to avoid storage in places readily accessible to theft, loss or damaged (in most instances equipment should not be stored in their personal vehicle).

#### 1025.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Commanding Officer.

#### 1025.3 EXEMPTIONS TO WEARING THE DEPARTMENT UNIFORM

The following sworn personnel are exempt from the requirements;

- A. Chief of Police
- B. Deputy Chiefs
- C. Lieutenants
- D. Plain clothes Detectives
- E. Others, as authorized by Commanding Officers.

#### 1025.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie and tie bar
- (b) Polished shoes

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- (c) Some details such as police graduations, funerals and ceremonies may require a cover

Boots with pointed toes are not permitted.

#### 1025.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve uniform shirt may be worn with the collar open. No tie is required
- (b) A white or black crew neck t-shirt must be worn with the uniform
- (c) All shirt buttons must remain buttoned except for the last button at the neck
- (d) Shoes for the Class B uniform may be as described in the Class A uniform
- (e) Approved all black unpolished shoes may be worn
- (f) Boots with pointed toes are not permitted

#### 1025.3.3 CLASS C UNIFORM

The Class C uniform is the approved Tactical Duty Uniform (TDU) and may be worn by sworn personnel assigned to the Communications Center year-round, and who received approval by the Chief of Police or designee.

No "blousing" of the pants, at the boot, is permitted while wearing the TDU. All sworn personnel wearing the TDU shall have the uniform properly altered, pressed and fitted for a professional appearance.

Employees who choose to wear the TDU shall purchase and maintain the uniform at their own expense. The Class C uniform is authorized to be worn by all other personnel assigned to duty uniform assignments from June 1 thru September 30 of each year.

#### 1025.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as MHET, CRT, Bicycle Patrol, and other specialized assignments. All sworn personnel wearing a specialized unit uniform shall have the uniform properly altered, pressed and fitted for a professional appearance. Excessive alterations that materially modify the intended fit or appearance or excessive tapering of the inseam on BDU pant legs is prohibited.

#### 1025.3.5 UNIFORM UNDERSHIRTS

Undershirts shall be worn by all sworn uniformed personnel at all times and maintained in serviceable condition. No portion of the undershirt shall be visible at the end of the uniform shirt sleeve. A black crew neck t-shirt must be worn with the uniform.

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As an option, a black mock turtleneck long sleeve shirt, with no writing or insignia, or a black mock long sleeve turtle neck with white lettering insignia "LASPD" on the neck, may be worn with a long sleeve uniform shirt, except when wearing a Class A uniform. The Department's Training Unit will maintain specifications and a list of approved vendors.

As an option, a white crew neck t-shirt may be worn with a short sleeve Class B uniform shirt.

#### 1025.3.6 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

#### 1025.3.7 FIREARMS TRAINING UNIT STAFF UNIFORM

The LASPD authorizes a Firearms Training Unit Staff Uniform, which is an olive green BDU-type pants and red polo-type shirt with a white silkscreen badge on left front, and last name, first initial on right front of shirt, as well as, white silkscreen rank insignia on sleeves, when applicable. Also, a Department approved baseball-type cap may be worn. Uniform to be paid for by the Department, as needed. The Department's Training Unit will maintain specifications and a list of approved vendors.

#### 1025.3.8 INSTRUCTOR UNIFORM / PAL COORDINATOR UNIFORM/TRAINING UNIT

The LASPD authorizes a Class "C" Uniform for personnel assigned as "Instructors", "Pal Coordinators", and the "Training Unit". The uniform is black BDU-type pants and a black polo type shirt with subdued badge on the left front and either "Instructor", "Training Unit", or "Pal Coordinator" in subdued lettering on the right front with the "Officer's Last Name", and Department rank ( SPO and above only). There will be no rank chevrons on Polo type shirts as the rank is already on the right front of shirt. Uniforms will be paid by the Department. The Department will issue three (3) sets of uniforms to personnel. The Department's Equipment /Fleet Coordinator will maintain specifications and a list of approved vendors.

**NOTE:** The Department approved polo shall have subdued stitching. With ½ script stitching on the upper right front area for the rank and name, and a subdued badge on the left front area.

#### 1025.3.9 CRITICAL RESPONSE TEAM UNIFORM

The LASPD authorizes a CRT Uniform, which is a black BDU-type shirt with black t-shirt and black BDU-type pants. Paid by Department, as needed, when the issued uniform is no longer suitable for duty. The Department's Training Unit will maintain specifications and a list of approved vendors.

**NOTE:** The Department approved polo shall have subdued stitching. With ½ script stitching on the upper right front area for the rank and name, and a subdued badge on the left front area.

#### 1025.3.10 MENTAL HEALTH EVALUATION TEAM UNIFORM

The LASPD authorizes a Mental Health Evaluation Team Uniform, which is a casual pant, gray, khaki, Thyme, or black in color. A grey, blue, or black polo type shirt with subdued lettering on the left front "MHET." And subdued lettering on the right front "Officer's Last Name", and Department rank. MHET uniforms will be paid by the Department. The Department will issue three (3) sets of uniforms to MHET personnel. Unserviceable uniforms will be inspected and replaced by the

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Department in accordance with Department Policy. The Department's Training Unit will maintain specifications and a list of approved vendors.

**NOTE:** The Department approved polo shall have subdued stitching. With ½ script stitching on the upper right front area for the rank and name, and ½ inch stitching for the word "MHET" on the left front area.

#### **1025.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone
  - 2. Open toed sandals or thongs
  - 3. Swimsuit, tube tops, or halter-tops
  - 4. Spandex type pants or see-through clothing
  - 5. Distasteful printed slogans, buttons or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the LASPD or the morale of the employees.

#### **1025.5 INSIGNIA AND PATCHES**

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, Twelve-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) **Service stripes** - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

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1. Uniformed employees may wear one service stripe for each five years of service.
  2. The service stripe may be worn six months prior to each five years represented, if so desired by the employee.
- (c) The regulation nameplate shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If an employee's first initial and last name is too long to fit on the nameplate, then only the last name will be displayed. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police or designee. The nameplate shall be worn and placed on the right pocket flap, aligned with the top of the nameplate on the lower seam of the top of the pocket, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) The regulation name tape may be worn on a Class C Uniform or uniform jacket. The name tape shall display the employee's first initial and last name. If an employee's first initial and last name is too long to fit on the name tape, then only the last name will be displayed. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police or designee. The name tape shall be sewn above the right pocket, aligned with the top pocket seam, with equal distance from both sides of the name tape to the outer edge of the pocket.
- (e) When a jacket is worn, the authorized sewn on cloth name tape shall be affixed to the jacket.
- (f) Assignment Insignias - Assignment insignias, (CRT, FTO, etc.) may be worn as designated by the Chief of Police.
- (g) Flag Pin - A flag pin may be worn, as designated by the Chief of Police.
- (h) Badge - The Department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (i) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

#### 1025.5.1 CHIEF OF POLICE - RANK INSIGNIA

The Chief of Police's rank insignia shall be four (4) flat gild metal stars positioned on each shirt collar, centered midway between the neckband and the lower slat of the collar, three-fourth (3/4) inch from the outer edge.

#### 1025.5.2 DEPUTY CHIEF - RANK INSIGNIA

The Deputy Chief's rank insignia shall be two (2) flat gild metal stars positioned on each shirt collar, centered midway between the neckband and the lower slat of the collar, three-fourth (3/4) inch from the outer edge.

#### 1025.5.3 LIEUTENANT - RANK INSIGNIA

The Lieutenant's rank insignia shall be a single, plain, flat white metal bar, ¼ inch wide and ¾ inch long. The bar shall be equipped with a clutch fastener and shall be centered between the top

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and bottom edges of each side of the uniform shirt collar with the front edge  $\frac{1}{4}$  inch, and parallel with, the front edge of the collar.

The Lieutenant's rank insignia worn on the field jacket shall be a single, plain, curved white metal bar with beveled edges. It shall be  $\frac{1}{2}$  inch wide and one inch long. The bar shall be equipped with a pin and safety catch and shall be placed with the outer edge  $\frac{1}{4}$  inch above the sleeve seam, centered over the shoulder seam, and parallel to the sleeve seam.

#### 1025.5.4 SERGEANT - RANK INSIGNIA

The Sergeant's rank insignia shall be three stripes of the United States Army regulation size, with silver-gray embroidery on a black background. A rank insignia shall be sewn-on each sleeve of the uniform shirt and field jacket. The top point of the chevron shall be placed  $\frac{1}{8}$  inch below the Los Angeles School Police Department patch.

#### 1025.5.5 DETECTIVE - RANK INSIGNIA

Detective chevrons shall be worn on the Detective's uniform shirt and uniform jacket. The stripes shall consist of two chevrons, with a diamond, of the same type and colors as those worn by sergeants. The chevrons shall be placed with the top point  $\frac{1}{8}$  inch below the Los Angeles School Police Department patch.

#### 1025.5.6 SENIOR POLICE OFFICER - RANK INSIGNIA

Senior Police Officer chevrons shall be worn on the Senior Police Officer's shirt and jacket. The stripes shall consist of two chevrons, with a star, of the same type and colors as those worn by sergeants. The chevrons shall be placed with the top point  $\frac{1}{8}$  inch below the Los Angeles School Police Department patch.

#### 1025.5.7 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer
- (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) On September 11
- (f) As directed by the Chief of Police.

#### 1025.5.8 UNIFORM PINS

Uniform pins are intended to be worn to show service, assignment, completion of specialized training at the federal, state, or Department level. Uniform pins may also be worn in support of specific special events or social causes. Employees may wear approved uniform pins on their LASPD uniform. All uniform pins shall be approved by the Chief of Police or his/her designee.

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- (a) The following uniform pins have been approved and may be worn by personnel as outlined below:
1. LASPD Assignment pin:
    - (a) A LASPD Assignment pin may be worn to show service in an assignment or unit as outlined below:
      1. Canine Unit
      2. Field Training Officer
      3. Honor Guard
      4. Critical Response Team
    - (b) Only one LASPD Assignment pin may be worn at a time.
    - (c) May be worn on a Class A, B, or C uniform.
    - (d) May be worn for the duration of the assignment.
    - (e) Placement:
      1. Shall be worn and placed above the right pocket flap (centered), aligned above the upper seam of the top of the pocket, equidistant between both sides of the nameplate (centered above the nameplate).
  2. Special event or social support pin:
    - (a) A special event or social support pin may be worn, as designated by the Chief of Police, in support of a special event or social cause (i.e., Police Memorial Ribbon, Cancer Awareness Ribbon, etc.).
    - (b) Only one special event or social support pin may be worn at a time.
    - (c) May be worn on a Class A, B, or C uniform.
    - (d) May be worn for the duration of the event (i.e., Police Memorial Week, Cancer Awareness Month, etc.) as approved by the Chief of Police.
    - (e) Placement:
      1. Shall be worn and placed on the right pocket flap (right side), aligned below the lower seam of the top of the pocket, with equal distance between both sides of the nameplate to the outer edge of the pocket.
  3. LASPD Division Service pin:
    - (a) May be worn to show service and assignment to a specific LASPD Division.
    - (b) Only one LASPD Division Service pin may be worn at a time.
    - (c) May be worn on a Class A, B, or C uniform.
    - (d) May be worn throughout the year.
    - (e) Placement:

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1. Shall be worn and placed on the right pocket flap (left side), aligned below the lower seam of the top of the pocket, equidistant between both sides of the nameplate the outer edge of the pocket.
4. U.S. flag or LASPD service ribbon(s):
  - (a) A U.S. Flag citation bar or U.S. Flag lapel pin may be worn.
  - (b) Only one U.S. flag pin may be worn at a time.
  - (c) May be worn on a Class A, B, or C uniform.
  - (d) May be worn throughout the year.
  - (e) Placement:
    1. The U.S. Flag citation bar, LASPD Service Ribbons, or military service ribbons shall be worn above the left pocket flap (centered), aligned above the upper seam of the top of the pocket.
    2. The U.S. Flag lapel pin shall be worn on the right pocket flap (right side), below the seam, and centered between the nameplate and the edge of the pocket flap.
  - (f) Note: The employee may either wear LASPD Service Ribbons OR a U.S. flag citation bar its designated position.
5. LASPD Shooting Medal:
  - (a) May be worn to show distinction in firearms qualification:
    1. Distinguished Expert: 96%-100% (gold colored medal)
    2. Expert: 92%-95% (gold colored medal)
    3. Sharp Shooter: 87%-91% (silver colored medal)
    4. Marksman: 83%-86% (bronze colored medal)
  - (b) Only one LASPD Shooting Medal may be worn at a time.
    1. Qualification Period: 1st quarter of the calendar year.
    2. May be worn for the remainder of the calendar year qualified.
  - (c) May be worn on a Class A or B uniform.
  - (d) Placement:
    1. Shall be worn and placed on the left pocket flap (right side), aligned below the lower seam of the top of the pocket and the inner right seam of the pocket.
6. United States Military Service pin:
  - (a) May be worn to show service in the United States Armed Forces.
  - (b) Only one military service pin may be worn at a time.
  - (c) May be worn on a Class A, B, or C uniform.

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- (d) May be worn throughout the year.
- (e) Placement:
  - 1. Shall be worn and placed on the left pocket flap (left side), aligned below the lower seam of the top of the pocket and the inner left seam of the pocket.
- 7. Federal, state, or local training/certification pin:
  - (a) A uniform pin may be worn to show completion of training or certification (i.e., FBI National Academy, West Point Leadership, 10851, etc.).
  - (b) Only one training pin may be worn at a time.
  - (c) May be worn on a Class A, B, or C.
  - (d) May be worn throughout the year.
  - (e) Placement:
    - 1. Shall be worn on the left pocket flap (left side), aligned below the lower seam of the top of the pocket and the inner left seam of the pocket.
- (b) Uniform pins should be serviceable and in good repair. Damaged or worn uniform pins should be replaced.

#### 1025.5.9 SHOULDER CORDS

Shoulder cords are intended to be worn to show service in a specialized assignment. All shoulder cords shall be approved by the Chief of Police or his/her designee.

- (a) The following shoulder cords have been approved and may be worn by personnel as outlined below:
  - 1. Adjutant to the Chief of Police:
    - (a) Single loop braided shoulder cord:
      - 1. Sergeant: Navy blue
      - 2. Lieutenant: White
    - (b) Shall be worn for formal ceremonies (i.e., Uniform Inspections, Badge Ceremonies, Awards Ceremonies, etc.).
  - 2. Honor Guard:
    - (a) Single loop braided shoulder cord:
      - (a) Unit members: Silver
    - (b) Shall be worn on the Honor Guard uniform.
      - (a) Honor Guard: Worn with the attachment loop affixed to the right shoulder uniform epaulet button, and the braided cord under the right arm.

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- (b) Shoulder cords should be serviceable and in good repair. Damaged or worn shoulder cords should be replaced. Shoulder cords shall be worn on the uniform in the following manner:
3. Adjutant to the Chief of Police: Worn with the attachment loop affixed to the right shoulder uniform epaulet button, and the braided cord under the right arm.

#### **1025.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, LASPD employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the LASPD to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

#### **1025.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

##### **1025.7.1 RETIREE BADGES**

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the LASPD. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be

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instructed that any such badge will remain the property of the LASPD and will be revoked in the event of misuse or abuse (Penal Code § 538d).

#### 1025.7.2 BASEBALL-TYPE CAPS

The LASPD authorizes sworn personnel and non-sworn SSO personnel to purchase, at the employee's expense, a baseball-type cap, for use with Class C uniform and Bike Patrol uniform when bike officers are dismounted from bike. Supervisors have the discretion to allow the baseball-type cap to be worn with the Class B Uniform ONLY during unplanned spontaneous circumstances for a specific period of time (i.e. assigned to a perimeter during heavy rain or extreme heat).

Specialized Units and personnel assigned to Early Morning Watch hours wearing the Class C uniform, outside the approved summer months, shall obtain supervisor approval to wear the baseball-type cap.

Baseball-type caps shall be worn with the bill facing forward ONLY and baseball-type caps shall not be worn indoors. The baseball-type cap shall be properly fitted and not cover any part of the employee's ears. No markings of any kind shall be on the cap other than the APPROVED Department insignia. No markings shall be visible on the underside of the cap bill. Employees may place their name and serial number on the on the inside cap lining. The Department's Training Unit will maintain specifications and a list of approved vendors.

#### 1025.7.3 NYLON DUTY BELT / GEAR

Sworn personnel may only wear the nylon duty belt and gear with the Class "C" uniform and currently approved Bike Uniform. The nylon duty belt and gear are optional and paid for at the expense of the employee.

Exception: The nylon duty belt and gear may be worn by sworn personnel year-around and with all types of Department uniforms if authorized by the Office of the Chief of Police, due to an approved medical accommodation.

### **1025.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

LASPD employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

LASPD employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

### **1025.9 SALUTING DURING THE NATIONAL ANTHEM**

When the National Anthem is played at any ceremony, an Officer in uniform, including uniform hat, shall assume the position of attention, face the National Colors, if present, and render a hand salute. If there are no National Colors present, the Officers shall face the band and render the salute. Officers who are in uniform and uncovered (no hat shall be worn), shall stand at attention. Officers who are in civilian dress shall uncover and stand at attention.

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During the ceremony of hoisting or lowering the United States Flag, those Officers present and in uniform shall render the prescribed hand salute.

#### **1025.10 UNIFORM HAT PIECE**

When wearing a uniform hat, the designated hat piece shall be worn. The hat piece shall be placed in the hat piece holder, located in front and center of the uniform hat.

#### **1025.11 RAIN EQUIPMENT**

The rain equipment shall consist of the following:

- A. Department issued jacket
- B. Cap cover.

#### **1025.12 AUTHORIZED EQUIPMENT-GENERAL**

Only equipment authorized under Department policy, may be carried, worn or utilized. The use or possession of unauthorized equipment is prohibited.

#### **1025.13 HANDCUFFS**

Officers assigned to uniform field assignments, whether working regular patrol or on overtime, shall carry handcuffs. On duty Officers authorized to wear civilian clothing on-duty shall carry handcuffs on their person whenever they leave the police facility.

#### **1025.14 HAND-HELD RADIO**

Hand-held radios are mandatory equipment for all Officers working the field.

#### **1025.15 DISTRICT KEYS**

Officers shall be responsible for keys issued and their return upon separation from service.

#### **1025.16 NYLON LEG "HOBBLE" RESTRAINT**

Officers may carry a department-approved "hobble" restraint device. It may be carried on the Sam / Sally Brown belt.

#### **1025.17 RETURN OF DISTRICT PROPERTY**

When an Officer is suspended, resigns, or is separated from the Department for any reason, he shall return all District property in his possession to his immediate supervisor, Lieutenant or the Training Unit.

# Nepotism and Conflicting Relationships

## 1026.1 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.

### 1026.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 1026.2 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)):

- (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.

#### 1026.2.1 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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##### 1026.2.2 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 Badges

### 1027.1 PURPOSE AND SCOPE

The LASPD badge and uniform patch as well as the likeness of these items and the name of the LASPD are property of the Department and their use shall be restricted as set forth in this policy.

### 1027.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority and the use and display of Departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this Department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 1027.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the LASPD 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 Policy Department Owned and Personal Property.
- (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.

#### 1027.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

#### 1027.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may purchase at their own expense, either their assigned duty badge with a "retired" banner affixed to the front of the badge for display purposes, or have their assigned duty badge encased in Lucite.

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It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

#### **1027.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

#### **1027.4 PERMITTED USE BY EMPLOYEE GROUPS**

The use of the likeness of the Department badge has been authorized by the Chief of Police for use by Collective Bargaining Units A and H 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 LASPD.

## Modified Duty Assignments

### 1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his designee.

Modified-duty assignments (commonly referred to a "light-duty") are intended to provide an employee with the ability to continue working within the limits of his restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

This policy also sets forth the LAUSD mandatory Early Return to Work (ERTW) Policy.

### 1028.2 DEFINITIONS

**Modified Duty** - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

### 1028.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee shall be assigned to a modified-duty position per the LAUSD mandatory Early Return to Work (ERTW) program outside of his normal assignment or duties if the LASPD is able to accommodate the employee's temporary work restrictions as delineated by the employee's treating physician. If an employee cannot adequately perform in a modified-duty assignment, does not show significant improvement while in the ERTW, or exceeds the proscribed ERTW time limits, such assignment will be terminated.

- (a) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
- (b) The Department may place conditions as deemed appropriate upon any modified-duty assignment.
- (c) Modified-duty assignments shall be re-evaluated by the Chief of Police or his designee at 60, 90, and 120 work days to determine if:

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1. The employee has or has not significantly improved since the previous review based on the assessment of the employee's treating physician.
2. The modified-duty assignment is consistent with the employee's temporary work restrictions and any applicable changes/modifications made by the employee's treating physician.
3. The employee is projected to exceed the established modified-duty time period (e.g., 120 work days) based on the assessment of the employee's treating physician.

If the injury or illness is non-duty related the employee shall be given the option to either accept the modified-duty position or continue to draw on applicable sick leave or other leave accounts as applicable.

Note: Employees assigned to a temporary modified-duty (light-duty) position are NOT authorized to work overtime, except with the approval of the COP based on extenuating or emergency circumstances

#### **1028.4 PROCEDURE**

Employees shall submit a signed statement from their health care provider/treating physician describing the employee's restrictions, limitations and expected duration to the Office of the Chief of Police (OCOP) Workers' Compensation Coordinator. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Workers' Compensation Coordinator shall provide the employee's treating physician statement describing the employee's restrictions, limitations and expected duration to the Adjutant to the Chief of Police. The Adjutant to the Chief of Police shall determine if the LASPD can accommodate the employee's temporary work restrictions.

The Adjutant to the Chief of Police shall coordinate with the Administrative Services Division Commanding Officer to determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment.

##### **1028.4.1 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 Administrative Services Commanding Officer or his designee.

The employee shall submit a signed statement from their health care provider/treating physician describing the employee's temporary schedule, assignment, limitations and restrictions to the Worker's Compensation Coordinator.

The Administrative Services Deputy Chief shall advise the concerned Lieutenant of an employee who has been assigned to a five day work week due to illness or due to an occupational diseases or work-related injury.

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##### 1028.4.2 ACCOUNTABILITY

The Administrative Services Division Commanding Officer or his designee 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 and the Workers' Compensation Coordinator 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 and the Workers' Compensation Coordinator 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 and the Workers' Compensation Coordinator no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Administrative Services Division Commanding Officer apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 or 90 days will require:
  1. A signed written status report from the employee's health care provider/treating physician.
  2. A request for an extension of the modified-duty assignment.
  3. An update of the employee's current status and anticipated date of return to regular duty.
  4. An explanation of the employees "significant improvement" in their temporary work restrictions since the previous health care provider/treating physician's medical evaluation.
    - (a) Extensions require approval of the Chief of Police or his designee.
    - (b) Extensions to modified-duty assignments shall not exceed 120 days unless the employee has had surgery related to the same injury.
- (d) When it is determined that an employee on modified duty will return to regular duty, the Workers' Compensation Coordinator shall notify the Administrative Services Commanding Officer who shall 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.
- (e) All personnel who are off duty for more than forty-five (45) calendar days can be relieved of their current assignment and will be reassigned to an available opening upon their return to work.

##### 1028.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee

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having been on such assignment. Such examinations shall be at the expense of the Department. Employees who are required to complete a fitness-for-duty examination shall be directed to the LAUSD Board Doctor.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider/treating physician indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

#### **1028.5 PREGNANCY**

It is the policy of the Department to reassign employees who are pregnant upon request by the employee, or when deemed necessary by the Department, to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

##### **1028.5.1 EMPLOYEE NOTIFICATION**

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider/treating physician of any job restrictions or limitations she may have.

##### **1028.5.2 SUPERVISOR'S RESPONSIBILITY**

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the employee's respective commanding Officer, who will notify the Workers' Compensation Coordinator. The adjutant to the Chief of Police shall review and consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the LAUSD's Personnel Rules and Regulations regarding family and medical care leave.

#### **1028.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

#### **1028.7 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned

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to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

## Performance History Audits

### 1029.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for, and must be carefully balanced with the many variables in law enforcement such as:

- An officer's ability to detect crime.
- An officer's work ethic.
- An officer's work assignment and shift.
- An officer's physical abilities, stature, etc.
- Randomness of events.

### 1029.2 RESPONSIBILITIES

Under the authority of the Administrative Services Division Commanding Officer, the Professional Standards Unit is responsible for collecting performance indicators and other relevant data to generate and provide a quarterly Performance History Audit Report for each officer to the appropriate Commanding Officer. Though generated quarterly, each Performance History Audit will contain data from a one-year time period.

### 1029.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audits will include the following components:

- Performance indicators.
- Data analysis.
- Employee review.
- Follow-up monitoring.

### 1029.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police of the LASPD has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include but are not limited to:

- (a) The frequency and findings of use of force incidents.
- (b) Frequency of involvement and conduct during vehicle pursuits.
- (c) Frequency and findings of citizen complaints.
- (d) Internal Affairs investigations.
- (e) Intentional or accidental firearm discharges (regardless of injury).

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- (f) Vehicle collisions.

#### **1029.5 COMPILATION OF DATA**

The Professional Standards Unit will utilize secure systems and other confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare Performance History Audit Reports.

#### **1029.6 EMPLOYEE NOTIFICATION AND RESPONSE**

The Professional Standards Unit will notify each officer prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected officer may submit a written comment within 30 days regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

#### **1029.7 DATA ANALYSIS AND ACTION**

Upon receipt, the respective employee's Commanding Officer will review each Performance History Audit Report and determine whether it should be provided to an officer's immediate supervisor for further consideration. The officer's immediate supervisor will carefully review the Performance History Audit Report with the officer to assess any potential trends or other issues which may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the employee's Commanding Officer of such recommendation. If the Commanding Officer concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a Performance History Audit, the officer shall be entitled to all rights and processes set forth in the Conduct and the Personnel Complaints Policies and Government Code § 3300.

#### **1029.8 CONFIDENTIALITY OF DATA**

Information, data and copies of material compiled to develop Performance History Audit Reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to an officer's personnel file as outlined in the Department Peace Officer Personnel Files Policy 1026.

Information, data and copies of material related to unfounded, not resolved or exonerated personnel investigations, non-preventable traffic collisions, and use of force incidents and vehicle pursuits within policy will not be used for disciplinary purposes, promotions or assignments.

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#### **1029.9 RETENTION AND PURGING**

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be purged from the Professional Standards Unit and all other locations within the Department one year from the date generated.

# Employee Speech, Expression and Social Networking

## 1030.1 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.

### 1030.1.1 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.

## 1030.2 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 LASPD 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.

## 1030.3 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 LASPD employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.

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- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

#### **1030.4 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 LASPD or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the LASPD and tends to compromise or damage the mission, function, reputation or professionalism of the LASPD 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 LASPD.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the LASPD on

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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).

#### 1030.4.1 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 LASPD or identify themselves in any way that could be reasonably perceived as representing the LASPD 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 LASPD.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend

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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **1030.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### **1030.6 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.

#### **1030.7 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.

## Line-of-Duty Deaths

### 1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the LASPD in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 1031.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1031.2 POLICY

It is the policy of the LASPD to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 1031.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Sergeant and the Communications Center.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Watch Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Watch Sergeant or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

#### **1031.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Sergeant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other LASPD members may be apprised that survivor notifications are complete.

#### 1031.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

#### 1031.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio. A departmental notice shall be issued by the Chief of Police, advising all personnel of the death of the employee. All appropriate information shall be included in this memorandum.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

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Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

#### **1031.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### **1031.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Commanding Officer or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.

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- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 1031.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Department members and friends of the deceased member.
  - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or LASPD members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

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#### 1031.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Commanding Officer. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

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- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1031.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

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- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

#### 1031.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

#### 1031.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many LASPD members can attend funeral services as possible.

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The mutual aid coordinator should perform the coordinator's duties in accordance with the Outside Agency Assistance Policy.

#### 1031.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  1. Public Safety Officers' Benefits (PSOB) Programs.
  2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  3. Social Security Administration.
  4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
  1. Education benefits (Education Code § 68120).
  2. Health benefits (Labor Code § 4856).
  3. Worker's compensation death benefit (Labor Code § 4702).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  1. Private foundation survivor benefits programs.
  2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

# LASPD

## Los Angeles School Police Department-POLICY MANUAL

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#### *Line-of-Duty Deaths*

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##### 1031.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

##### 1031.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

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## Los Angeles School Police Department-POLICY MANUAL

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#### *Line-of-Duty Deaths*

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

#### **1031.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

#### **1031.9 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **1031.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

#### **1031.11 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

#### **1031.12 NOTIFICATION OF EMPLOYEE'S DEATH TO OTHER DEPARTMENTS**

The Administrative Services Division shall notify other agencies advising them of the death of a Department Employee, the date, time, and place of the funeral. This instruction should only be followed in the case of death while on-duty.

## Anti-Retaliation

### 1032.1 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.

### 1032.2 POLICY

The LASPD 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.

### 1032.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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## Los Angeles School Police Department-POLICY MANUAL

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#### *Anti-Retaliation*

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#### **1032.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the District Personnel 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.

#### **1032.5 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.
- (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.

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## Los Angeles School Police Department-POLICY MANUAL

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#### *Anti-Retaliation*

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#### **1032.6 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.

#### **1032.7 WHISTLE-BLOWING**

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

##### **1032.7.1 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).

#### **1032.8 RECORDS RETENTION AND RELEASE**

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

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## Los Angeles School Police Department-POLICY MANUAL

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#### *Anti-Retaliation*

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#### **1032.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

## Illness and Injury Prevention

### 1033.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the LASPD, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Districtwide safety efforts.

### 1033.2 POLICY

The LASPD is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

### 1033.3 ILLNESS AND INJURY PREVENTION PLAN

The Administrative Services Commanding Officer is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  1. Meet regularly.
  2. Prepare a written record of safety and health committee meetings.
  3. Review the results of periodic scheduled inspections.
  4. Review investigations of accidents and exposures.
  5. Make suggestions to command staff for the prevention of future incidents.
  6. Review investigations of alleged hazardous conditions.
  7. Submit recommendations to assist in the evaluation of member safety suggestions.
  8. Assess the effectiveness of efforts made by the Department to meet relevant standards.
- (f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

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## Los Angeles School Police Department-POLICY MANUAL

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#### *Illness and Injury Prevention*

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#### **1033.4 ADMINISTRATIVE SERVICES COMMANDING OFFICER RESPONSIBILITIES**

The responsibilities of the Administrative Services Commanding Officer include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  1. New member orientation that includes a discussion of safety and health policies and procedures.
  2. Regular member review of the illness and injury prevention plan.
  3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  1. Informing members of the illness and injury prevention guidelines.
  2. Recognizing members who perform safe work practices.
  3. Ensuring that the member evaluation process includes member safety performance.
  4. Ensuring department compliance to meet standards regarding the following:
    - (a) Respiratory protection (8 CCR 5144)
    - (b) Bloodborne pathogens (8 CCR 5193)
    - (c) Aerosol transmissible diseases (8 CCR 5199)
    - (d) Heat illness (8 CCR 3395)
    - (e) Emergency Action Plan (8 CCR 3220)
    - (f) Fire Prevention Plan (8 CCR 3221)
    - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.

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#### *Illness and Injury Prevention*

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- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

#### **1033.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Commanding Officer.
- (e) Notifying the Administrative Services Commanding Officer when:
  1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
  2. New, previously unidentified hazards are recognized.
  3. Occupational illnesses and injuries occur.
  4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
  5. Workplace conditions warrant an inspection.

#### **1033.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administrative Services Commanding Officer via the chain of command.

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## Los Angeles School Police Department-POLICY MANUAL

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The Administrative Services Commanding Officer will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

#### **1033.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Commanding Officer shall ensure that the appropriate documentation is completed for each inspection.

##### **1033.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

#### **1033.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an Investigation/Corrective Action Report form.
- (h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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## Los Angeles School Police Department-POLICY MANUAL

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#### *Illness and Injury Prevention*

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#### **1033.9 TRAINING**

The Administrative Services Commanding Officer should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

#### **1033.9.1 TRAINING TOPICS**

The Training Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **1033.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## Attachments

**LASPD Org. Chart 2014-2015  
Internal Version 01-21-15.png**

## Approved Handgun Appendix 30MAR21.pdf

Los Angeles School Police Department  
Firearms Training Unit

## Authorized Handgun Appendix

Manufacturer	Model / Series	Caliber	On Duty	Off Duty	Back Up	Plainclothes
Colt	Govt Model, Commander	9mm/.45ACP	YES	YES	YES	YES
Colt	Defender	9mm / .45ACP	NO	YES	YES	YES
Glock	17, 19, 34, 45	9mm	YES	YES	YES	YES
Glock	19X	9mm	NO	YES	NO	NO
Glock	26, 43X, 48	9mm	NO	YES	YES	YES
Glock	43	9mm	NO	YES	YES	NO
Glock	42	.380Auto	NO	YES	YES	NO
Glock	22, 23, 35	.40 CAL	YES	YES	YES	YES
Glock	27	.40 CAL	NO	YES	YES	YES
Glock	21, 21SF, 41	.45ACP	YES	YES	YES	YES
Glock	30, 36	.45ACP	NO	YES	YES	YES
Kimber	TLE, Warrior, CDP	9mm / .45ACP	YES	YES	YES	YES
Kimber	Ultra	9mm / .45ACP	NO	YES	YES	YES
Sig Sauer	P226, P229, P320	9mm / .40 CAL	YES	YES	YES	YES
Sig Sauer	P365, P365XL	9mm	NO	YES	YES	YES
Smith & Wesson	M&P 2.0 Full, Compact	9mm / .40CAL / .45ACP	YES	YES	YES	YES
Smith & Wesson	442, 637, 638, 642	.38 SPL	NO	YES	YES	NO
Smith & Wesson	Shield, Shield M2.0	9mm / .40CAL / .45ACP	NO	YES	YES	NO
Springfield Armory	XD	9mm / .40CAL / .45ACP	YES	YES	YES	YES
Springfield Armory	Hellcat	9mm	NO	YES	YES	NO
Springfield Armory	TRP, Mil-Spec, Loaded	9mm / .45ACP	YES	YES	YES	YES
Springfield Armory	Ultra Compact	9mm / .45ACP	NO	YES	YES	YES
Staccato	P	9mm	YES	YES	YES	YES
Staccato	C	9mm	NO	YES	YES	YES

**Attachment A\_FAQs\_to SOP 113 Roles  
and Responsibilities\_Final (002).pdf**

Los Angeles Unified School District  
**LOS ANGELES SCHOOL POLICE DEPARTMENT**



**LASPD SERVICE AND RESPONSE FAQs**

The Los Angeles School Police Department (LASPD) response and deployment models have changed. To enhance our service to Community of Schools (COS) and other District facilities, the following frequently asked questions provide guidance on safety related services to campus administrators and other District staff who require the services of the LASPD.

**Contacting LASPD:**

**Q: How do I contact LASPD for assistance?**

If there is a life-threatening safety emergency or medical emergency call **911 first**, then contact the LASPD 24/7 dispatch center at (213) 625-6631.

For non-life-threatening safety-related matters or other routine district safety concerns, contact the School Police Department's 24/7 dispatch center at (213) 625-6631. LASPD dispatchers and supervisors remain available to answer any school safety or school emergency situation.

**Q: As a school site administrator, I've always been able to contact my "campus officer" directly for non-emergency requests, questions or advice. Has that changed?**

LASPD supervisors with District-issued cell phones may provide the cell phone contact information to administrators for routine safety or service-related questions, concerns or advice. Requests for response to a campus for criminal or police matters should be addressed through the LASPD dispatch center at (213) 625-6631 (see below police services section for further clarification).

**LASPD Services:**

**Q: Will LASPD have officers assigned to school campuses?**

LASPD will not have police officers assigned to K-12 campuses. Campus based officers have transitioned to Community Resource Officers (CROs) who will be available to respond to law enforcement service requests made through LASPD Dispatch Center.

**Q: How has LASPD service changed for daytime K-12 campuses, including Beyond the Bell before/after school programs and Saturday School?**

LASPD Community Resource Officers (CROs) who traditionally maintained a daily presence, fixed post assignment on high school and selected middle school campus sites during regular school hours will now be serving multiple campuses within a designated Community of Schools (COS) area. These officers will focus on safe passages, school community safety, and school site response and service based on requests or calls for service. Although an administrator should contact LASPD whenever there is a need of a safety-related advice or concerns. Requests for a CRO to respond to any campus may include, but not limited to:

- A crime in progress or a crime that has occurred in, or around the campus that affects students, staff, or school community safety.
- All mandatory notifications that align with BUL-5655.2, *Guidelines for Student Suspensions*, as well as any of the following:
  - Assaults
  - Criminal threats/ Bomb threats
  - Sexual assaults (except Child Abuse mandated reporting)
  - Robberies
  - Arson
  - Possession of explosive devices
  - Campus disruptions that threaten the safety of students and staff (e.g., *major* fight group beyond capabilities of campus staff to suppress)
  - Trespassers or other non-school employee who refuse to leave or are a disruption to the campus (i.e., disruptive persons)
  - Incidents that require a lockdown or other safety precautions to protect students and staff
- Other safety or crime reporting services, including, but not limited to:
  - Critical missing persons
  - Student/staff mental health emergencies (5150/5585 WIC) and support to Mental Health Evaluation Team (MHET) responses
  - Welfare checks
  - Reporting of property crimes such as burglary, thefts and vandalism when the District is a victim

LASPD **does not** respond to incidents involving student discipline or 1<sup>st</sup> Amendment rights activities, such as on-campus demonstrations, unless it is associated with a criminal act.

Nothing in the above protocols change current policy on diversion-qualified offenses for juvenile offenders.

The below services should be requested via non-police dispatch center notifications. Requests can be made directly through the COS Community Resource Officer or supervisor.

- Review and sign off with Integrated Safe School Plans
- Campus site-vulnerability assessments
- Request for police or safety officer coverage at athletic events
- Staff training on active shooter/active gunfire response
- Back-to-School Night/Open House coverage request
- Assemblies/classroom presentations/Career Day
- Restorative Justice process when *all parties agree for the inclusion of an officer*

**Q: Will LASPD provide coverage for athletic and other after-hour campus events, meetings or activities?**

LASPD will have officers assigned on patrol to respond to law enforcement or security related calls for service at athletic or after hour events or activities. Requests for site specific coverage should be discussed with the area supervisor and can be arranged based on staffing and funding availability.

**Q: Will LASPD service to Independent Charter Schools change?**

Independent Charter Schools who contract with LASPD will continue to receive services as stipulated contractually.

**Q: How has LASPD service changed for Division of Adult and Career Education (DACE) campuses?**

DACE site School Safety Officer deployment protocols remain unchanged, assuming DACE provides funding for available staffing.

**Q: I'm an administrator at a secondary school with a Police Academy Magnet (PAM) program. Will there be any changes for officers assigned to this program?**

Uniformed police officers (LASPD & LAPD) assigned to the PAMS program remain unchanged.

**Q: Are there any changes to police response on off-hours, holidays, weekends and school breaks?**

Due to significant police personnel reductions, service voids may occur for routine property protection and crime deterrence during off hours, holidays, and shut-down periods. Emergency calls for service will take priority, and if delayed responses are anticipated, LASPD dispatch will contact the respective municipal or sheriff area dispatch center for assistance.

**Q: I had a School Safety Officer assigned to my campus, will this change?**

School Safety Officers will provide security services to select District sites, facilities, offices and other locations. SSO's will also provide traffic safety and enforcement for schools and assist with safe passages and specific school events or other safety specific requests. Traffic safety or security service requests can be made through our website at [LASPD.com](http://LASPD.com) or by contacting an LASPD school safety sergeant.

## **LASERFICHE Scan Instructions.pdf**



## SUBMISSION INSTRUCTIONS



Press the Home Button to reset the scanner in preparation to send a new report



Insert your single sided report to be submitted face down into the top of the scanner.

Select the appropriate preset button to submit your report to LASPD Records.

NOTE:

If you are submitting a report that is within the Division that the scanner is placed, SELECT 1

If you are submitting a report that is outside the Division that the scanner is placed, SELECT 3

Press the same button 1 or 3 again.



Your report will be scanned and submitted to LASPD Records.

## **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: _____  <i>(e.g., non-profit, private, public school)</i>                  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  <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):                  _____                  _____</p>	<p style="text-align: center;"><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> <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	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<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: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<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>Paramedics at scene?</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

**Commission on Peace Officer Standards and  
Training Hate Crimes Model Policy 2019.pdf**



# POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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## POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities



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## FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.



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# POLICY GUIDELINES

## GUIDELINE #1

*Develop the foundation for the agency's hate crimes policy.*

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

## GUIDELINE #2

*Develop a hate crimes policy for the agency.*

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
  - A. Response
  - B. Training
  - C. Planning and Prevention
  - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

## GUIDELINE #3

*Develop expertise to identify and investigate hate crimes.*

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

## GUIDELINE #4

*Develop and implement cooperative hate crimes plans with other law enforcement agencies.*

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

## GUIDELINE #5

*Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.*

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
  - Develop a network to build rapport with community groups

- 
- Develop a protocol for response to hate crimes
  - Obtain witness and victim cooperation
  - Provide support services to victims
  - Collect demographic information about specific communities
  - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
  - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

## **GUIDELINE #6**

### ***Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.***

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

---

# MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

## **CPC 13519.6, effective January 1, 2005, minimally requires:**

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
  - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
  - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
  - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
  - d. Providing victim assistance and follow-up, including community follow-up.
  - e. Reporting

## **CPC 422.87, effective January 1, 2019, states and minimally requires:**

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
  - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
    - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

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fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

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# MODEL POLICY FRAMEWORK

## Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

## Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

## Response, Victim Assistance and Follow-up

### *Initial response*

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

- 
2. Stabilize the victim(s) and request medical attention when necessary.
  3. Ensure the safety of victims, witnesses, and perpetrators.
    - a. Issue a Temporary Restraining Order (if applicable).
  4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
  5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
  6. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
  7. Identify criminal evidence on the victim.
  8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
  9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. The offer of victim confidentiality per Government Code (GC) 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"<sup>1</sup> in the commission of the crime.
      1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
        - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

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<sup>1</sup>See Appendix, page 15, for definition

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who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

### ***Investigation***

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
    - e. Desecration of religious symbols, objects, or buildings.
  6. Request the assistance of translators or interpreters when needed to establish effective communication.
  7. Conduct a preliminary investigation and record information regarding:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. Offer of victim confidentiality per GC 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. Document the victim's protected characteristics.
  8. Provide victim assistance and follow-up.
  9. Canvass the area for additional witnesses.
  10. Examine suspect's social media activity for potential evidence of bias motivation.
  11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
  12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
  13. Determine if the incident should be classified as a hate crime.
  14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
    - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
    - b. Provide ongoing information to the victim about the status of the criminal investigation.
    - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
  15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
  16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

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## *Supervision*

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
  - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
  - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

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## Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at [www.post.ca.gov](http://www.post.ca.gov). In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

## Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

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6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.<sup>2</sup>
  7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

### ***Release of Information***

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

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<sup>2</sup>As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
  2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
  3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
  4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

## Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

## Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
  - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
  - Definition of "hate crime" included from:
    - CPC 422.55
    - CPC 422.56
    - CPC 422.6
  - Title by title specific protocol regarding:
    - Prevention
      - Is contact is established with identified persons and/or communities who are likely targets?
      - Have we formed and/or are we cooperating with hate crime prevention and response networks?
      - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
    - Response
      - Requirement that all hate crimes be properly investigated and supervised
      - Requirement that any hate crimes committed under the color of authority are investigated
    - Accessing Assistance
      - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
    - Victim assistance and follow-up
    - Reporting
      - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
    - Training
      - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
        - Does the checklist include first responder responsibilities include:
          - Determining the need for additional resources if necessary?
          - Referral information for appropriate community and legal services?
          - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
        - Information regarding bias motivation from CPC 422.87
        - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
  - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.



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# APPENDIX

## Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

### *Hate crime*

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

**Note:** A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

### *Hate Speech*

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

### *Hate incident*

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

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## ***Bias Motivation***

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

## ***Disability Bias***

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

## ***Disability***

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## ***Gender***

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

## ***In Whole or In Part***

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

## ***Nationality***

Nationality includes citizenship, country of origin, and national origin.

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***Race or Ethnicity***

Race or ethnicity includes ancestry, color, and ethnic background.

***Religion***

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

***Sexual orientation***

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

***Victim***

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public



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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

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: _____  <i>(e.g., non-profit, private, public school)</i>                  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>
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<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  <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):                  _____                  _____</p>	<p style="text-align: center;"><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> <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>
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	<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>
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<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>
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<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>
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# 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	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<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: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<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>Paramedics at scene?</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

**Order of Precedence for Wearing  
Service Ribbons 11-10-07.jpg**

**Medals.jpg**

**UNIFORM PIN PLACEMENT DIAGRAM.png**

## **LASPD Naloxone Administration Report.pdf**

# LOS ANGELES SCHOOL POLICE DEPARTMENT

## *Naloxone Administration Report*

Date \_\_\_\_\_

Call # \_\_\_\_\_

Location: \_\_\_\_\_

Time of Call: \_\_\_\_\_

### Patient Information

Last Name \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Residence Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Residence Phone \_\_\_\_\_ Business Phone \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_ D.O.B. \_\_\_\_\_ DL# \_\_\_\_\_

### Narcan Administration

Was 4 mg of naloxone (Narcan) delivered? Yes No

If no, explain: \_\_\_\_\_

Time naloxone was administered: \_\_\_\_ : \_\_\_\_ : \_\_\_\_ (respirations  $\leq$  8/minute)  
HR MIN SEC

- Signs: unconscious, cyanotic, agonal respirations, miosis

Time onset recovery of vitals: \_\_\_\_ : \_\_\_\_ : \_\_\_\_ (respirations  $>$  12/minute)  
HR MIN SEC

- Other signs: movement, eye opening, return of normal skin color

Time patient regained consciousness: \_\_\_\_ : \_\_\_\_ : \_\_\_\_  
HR MIN SEC

Did the patient have an adverse reaction to the Narcan? Yes No  
(If yes, describe in the narrative section below.)

#### Patient Outcome

\_\_\_ Regained consciousness

\_\_\_ Transported to hospital

\_\_\_ Pronounced dead

Paramedic Rescue # \_\_\_\_\_ Engine # \_\_\_\_\_ Hospital \_\_\_\_\_

**Narrative** (describe initial observations, actions taken, patient status, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reporting Officer \_\_\_\_\_

ID# \_\_\_\_\_

Reviewing Supervisor \_\_\_\_\_

ID# \_\_\_\_\_

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