

Bakersfield Police Department

Bakersfield PD Policy Manual

MESSAGE FROM GREG TERRY, CHIEF OF POLICE

The Bakersfield Police Department Policy Manual is intended to serve as a valuable reference, critical to daily police activities. It is the responsibility of every employee receiving the manual to review and understand its contents.

All information produced by the Department cannot be contained in one manual. Questions concerning issues not addressed in this text must be researched and resolved through other reference sources. Policy and procedures in this manual supersede all previous directives concerning a particular subject.

The policy manual will serve employees as a guide to ensure our decisions and actions are consistent with the mission of law enforcement and philosophy of the Bakersfield Police Department.

Bakersfield Police Department

Bakersfield PD Policy Manual

BAKERSFIELD POLICE DEPARTMENT MISSION STATEMENT, VISION STATEMENT AND LAW ENFORCEMENT CODE OF ETHICS

BAKERSFIELD POLICE DEPARTMENT MISSION STATEMENT

The Bakersfield Police Department partners with our community to protect the lives and property of the people we serve.

BAKERSFIELD POLICE DEPARTMENT GUIDING VALUES

Compassion

Accountability

Professionalism

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men 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 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

BAKERSFIELD POLICE DEPARTMENT RULES OF CONDUCT

PURPOSE: The purpose of this policy is to provide specific standards of conduct to be followed by officers and employees of the Bakersfield Police Department (hereinafter referred to as the "Department"). This policy will provide Rules of Conduct that will define and state prohibitions and limitations of officer and employee conduct both on and off duty, and will provide Department personnel with an understanding of Department values and expectations as it relates to officer and employee behavior. These Rules of Conduct are not intended to be an exclusive listing of requirements, limitations or prohibitions on officer and employee conduct and activities. Rather they are intended to (1) inform officers and employees of some of the most important issues related to police conduct and ethics; (2) specify when possible, actions and inactions that conflict with the duties and responsibilities of Police Department personnel, and (3) guide officers and employees in conducting themselves and their affairs in a manner that reflects the high standards of professionalism and ethical behavior required of members of the law enforcement profession.

POLICY: Actions of officers and employees which are inconsistent or in conflict with the law, the Law Enforcement Code of Ethics, or the values of the Bakersfield Police Department, negatively affect its reputation and that of its officers and employees. Such actions or inactions detract from the Departments' ability to effectively and efficiently protect the public, maintain peace and order, conduct other essential business, and erodes the confidence and trust of the public in the Department. It is the policy of the Bakersfield Police Department that officers and employees conduct themselves at all times in a manner that reflect the ethical standards consistent with the Rules of Conduct

1. It is the responsibility of each officer and employee to have read, understood, and to be familiar with all of the rules, regulations, operating procedures, and other policies issued by the Bakersfield Police Department. Every officer and employee of the Department must follow, obey and abide by these rules and regulations. In the event of a violation of any of these written rules of conduct, it will be presumed that the officer or employee understood, had knowledge of, and was familiar with the rule, procedure or policy in question. A willful or deliberate failure to follow, obey, or abide by these regulations is a violation and may result in disciplinary action, including but not limited to, suspension, discharge, or demotion.
2. The sole authority to issue a press release shall be vested in the Chief of Police or his designees, the public information officer, or in his absence, the officer-in-charge. All requests for news information shall be referred to the appropriate designated officer.
3. All written correspondence to be distributed outside of the Department will be issued only over the name and title of the Chief of Police.
4. All departmental policy is established by authorization of the Chief of Police.
5. All divisional procedures are established by the division commander.
6. Ranking officers and supervisors, in addition to the responsibilities of monitoring conduct and maintaining discipline within the scope of their command, shall also be cognizant of the needs and welfare of their employees. By definition, a ranking officer for the Bakersfield Police Department

Bakersfield Police Department

Bakersfield PD Policy Manual

Bakersfield Police Department Rules of Conduct

is the rank of sergeant and above. Supervisors should endeavor to refrain from reprimanding or criticizing subordinates in public to the extent that it would cause the subordinate undue embarrassment. This does not preclude the supervisor from recalling and analyzing past or current incidents for the purpose of offering constructive criticism.

7. Officers of this department shall preserve the public peace, prevent crime, detect and arrest violators of the law, protect life and property, and enforce those federal statutes, laws of the State of California, and ordinances of the City of Bakersfield which the Department is required to enforce by law.

8. No officer or employee of the Department shall knowingly and willfully commit any act or neglect any duty which violates any Federal statute, State law, local ordinance, or any rule of the Department.

9. Officers and employees of the Department shall be punctual in reporting for duty at the time and place designated by their superior officers. Off-duty officers and employees shall report promptly for duty when called, in compliance with orders issued by a superior ranking officer or his designee.

10. Officers and employees reporting for duty must be prompt in going directly to their work assignment and not loiter around the police facility. No officer or employee either on duty or off duty shall unnecessarily loiter around the police facility talking or interfering with officers or other employees in the performance of their duties. Officers and employees of the Department are encouraged to use the facilities of the Department, whether on duty or off duty. This section is not intended to discourage the use of the police facilities by off duty personnel when such use will not interfere with on-duty personnel.

11. Officers and employees shall be present for duty as scheduled, unless absence is authorized by competent authority. Officers and employees shall report for duty at the time, place, in the attire, and with equipment specified by departmental orders or a superior officer. Inability to do so shall be reported to their supervisor, an on duty supervisor within their work unit, or an on duty ranking officer. This notification shall occur as early as possible prior to the employee's scheduled reporting time. When an officer or employee is able to return to duty it shall be his/her responsibility to notify his/her supervisor at the earliest possible time.

12. Officers and employees shall sign themselves on and off duty in person at the start and expiration of their tours of duty, unless exceptional procedure is authorized by a ranking officer.

13. Officers and employees shall acquaint themselves daily when on duty, and immediately upon return from an absence, with information on the bulletin board, wanted circulars, mailboxes, email and/or all other information and sources pertinent to themselves or their assignments.

14. Officers or employees of this department shall not sleep while on duty, except under those rare circumstances authorized by their division commanders.

15. Officers and employees shall not consume intoxicants while off duty to the extent that evidence of such consumption is detectable when reporting for scheduled duty. Officers and employees shall not consume intoxicants which impair their performance while on duty unless necessary

Bakersfield Police Department

Bakersfield PD Policy Manual

Bakersfield Police Department Rules of Conduct

in the performance of a police task, and then only with the specific permission of a division commander or his designee, and never in uniform, whether on or off duty. Intoxicants may include alcohol, drugs, prescription and over the counter medications.

16. Alcoholic beverages shall not be consumed by any officer or employee at the police building, without the express authorization of the Chief of Police, and never in any vehicle owned, leased or controlled by the Department.

17. Officers or employees in uniform shall not consume any beverage including soft drinks, water, or any other liquid while in any bar, saloon, or other establishment in which the main business is the sale of alcoholic beverages.

18. Although smoking while in uniform is not prohibited, no officer or employee shall retain a cigarette or pipe in their mouth while talking to, or being addressed by, any person. Officers and employees, while on duty shall not smoke in a residence or under conditions where smoking may be detrimental to good conduct, appearance, or procedure. Smoking is not permitted within any City owned or leased vehicle. Smoking is prohibited in City facilities, including the police building. The use of snuff or chewing tobacco is prohibited while on duty or in the police facility and cigars shall not be smoked in public view, while on duty.

19. An officer or employee, while on duty or while in uniform, shall not loiter in cafes, drive-ins, places of entertainment, or other public places.

20. Officers shall not congregate in public places while on duty or in uniform. No more than two officers in uniform shall take a coffee or meal break at the same location without permission of a ranking officer. Officers meeting in the field to exchange information shall attempt to do so in an inconspicuous location and limit the time to only that which is necessary. Officers, while on duty or in uniform, shall avoid congregating where officers of other agencies are present, when the total number of officers present would create adverse public opinion.

21. Officers and employees shall be respectful, courteous, and civil to the public.

22. An officer or employee, while on duty, upon request, will provide his/her name and serial number to any person unless it is detrimental to the performance of his/her duties. If unable to provide this information when requested, officers and employees shall do so as soon as is practical.

23. No officer shall display or brandish any firearm or duty equipment, whether in jest or otherwise, in any manner which can be construed as careless, nor in a threatening or dangerous manner, except in the performance of duty.

24. No officer or employee shall receive or accept any money, reward, or other consideration for any service or official action rendered by him/her as an officer or employee, without first securing permission from the Chief of Police. In addition, no officer or employee shall receive or accept, directly or indirectly, any gift, including any service gratuity, favor, hospitality, loan or any other thing of value, from any person or business under circumstances in which the gift is intended to influence him/her in the performance of his/her official duties.

Bakersfield Police Department

Bakersfield PD Policy Manual

Bakersfield Police Department Rules of Conduct

25. No officer or employee shall use the badge, uniform, equipment, prestige, or influence of his/her position with the Department for private gain or advantage. No employee shall use the time, facilities, equipment, or supplies of the City for private gain or advantage.

26. An officer or employee of the Police Department may engage in outside employment, business, profession, trade or calling, only if it is determined by the Chief of Police or his/her designee that such outside employment, business, profession, trade or calling will not interfere with the performance of the duties of the officer or employee. Outside employment shall not be detrimental to the interests of the City and/or Bakersfield Police Department, and will not create conflict of interest, a potential conflict of interest nor the appearance of a conflict of interest. Under no circumstances shall a peace officer be allowed to engage in more than 20 hours per week in outside employment, business, profession, trade, or calling. All peace officers shall be available for duty at any time. In addition, outside employment by non-sworn personnel must receive the approval of the city manager.

27. Officers and employees will promptly report, without unnecessary delay, any complaints or information received from citizens when the officer is unable to immediately take action.

28. All calls and assignments will be responded to promptly by the officers thereto assigned. Inability to do so shall be reported immediately.

29. No officer or employee shall act or behave privately, publicly, or in any official capacity in such a manner that brings discredit upon himself/herself or the Department, or which erodes the confidence of the public in law enforcement.

30. Officers and employees who may have occasion to inquire as to their official duties concerning any matter whatsoever, shall seek such information from their immediate supervisor, adhering to the chain of command whenever possible. Whenever an employee encounters any problem or needs any advice, he/she shall contact an immediate supervisor for assistance.

31. All officers and employees of this Department, while on duty and in public, shall address ranking officers by their proper titles, and shall be respectful to their superiors on all occasions, whether on or off duty.

32. No officer or employee shall ridicule a ranking officer or supervisor, or his/her orders, whether in or out of his/her presence.

33. No officer or employee of this Department shall, for the purpose of degrading, use coarse, profane or insolent language or gestures to any other officer or employee of the Department.

34. Officers and employees of the Department shall conduct themselves in a manner that will foster the greatest harmony and cooperation among individuals, divisions and units of this Department, and shall be respectful, courteous and civil to representatives of all law enforcement agencies.

35. No officer or employee shall fail or refuse, when called upon by a ranking officer or internal affairs investigator making a legitimate official investigation, to report any facts in his/her possession relating to police personnel, actions, conduct or duties and shall give a full, complete and truthful statement and/or written report.

Bakersfield Police Department

Bakersfield PD Policy Manual

Bakersfield Police Department Rules of Conduct

36. No officer or employee shall willfully make a false official report or a report which he/she knows to contain false statements; nor shall he/she willfully omit facts that, if known, could affect the outcome of a case; nor shall he/she omit facts in an attempt to deceive or mislead.

37. Officers or employees shall not appropriate any evidence or lost, found, stolen, recovered, issued or prisoner's property for their own personal use.

38. An officer or employee shall not fabricate, withhold, alter or destroy evidence of any kind, except as prescribed by law.

39. A report in writing will be submitted to the Chief of Police each time a shot, or series of shots, is fired by an officer in the line of duty at any place other than a target range. These reports will be accomplished as soon as practical after the firing of the shot, and the incident brought to the immediate attention of a ranking officer.

40. Officers of the Department shall not display cowardice or fail to support their fellow officers in the performance of duty. Officers are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.

41. Loud, boisterous or profane language, or playful scuffling among officers, or employees is prohibited in the police facility or while on duty.

42. All officers and employees of the Department shall strictly and promptly obey and properly execute, without question or argument, all lawful orders emanating from ranking officers. If an officer or employee to whom a lawful order has been given does not clearly understand it, he/she shall ask for such information as may be necessary for a clear understanding, but under no circumstances shall he/she question the authority of the ranking officer or engage in any argument concerning the order given. Should an officer or employee receive a lawful order from a ranking officer, which conflicts with an order previously given him/her by another ranking officer, he/she shall make that fact known to the ranking officer giving him/her the conflicting order. The officer shall then obey the last order given. Should an officer receive a lawful order which he/she believes to be improper or unjust, he/she shall first obey the order and then shall report the circumstances to the Chief of Police.

43. Obedience to an unlawful order shall not be considered a defense for an unlawful action. Therefore, no officer or employee is required to obey an order which is contrary to Federal or State statutes or City ordinances. Responsibility for refusal to obey rests with the officer or employee. He/she shall be strictly required to justify their actions.

44. Officers and employees shall not, unless required by law, departmental order or order of a commanding officer, divulge to any unauthorized person any information acquired solely by reason of his/her employment.

45. No officer or employee of this Department shall remove or divulge the contents of any official record, report, document or other written matter, current or completed, handled by this Department or any other agency, except when necessary in the performance of official duties or under due process of law.

Bakersfield Police Department

Bakersfield PD Policy Manual

Bakersfield Police Department Rules of Conduct

46. Officers and employees shall not communicate to any person or agency any criticism of the Department or any member thereof, unless a complete written report of the condition and a copy of the proposed statement has been first submitted to the Chief of Police.

47. Officers and employees shall not engage in political activities or services of any nature during those hours in which they are employed by the police department, nor shall city funds, supplies, property, or equipment be utilized, nor the uniform worn while performing any services of a political nature.

48. Officers and employees shall not address any public gathering or join any organization, political or otherwise, appear on radio or television programs, or write articles or manuscripts for publication wherein they are identified as representing, or representatives of, the Department, unless they are authorized to do so by the Chief of Police.

49. Except as provided and allowed by the City Charter or by established grievance procedures, no officer or employee shall attempt, through any person outside the police department, to control or influence the action of any member of the police department or of the Civil Service Commission or the City Manager in any matter of promotion, appointment, assignment, or disciplinary action which may be contemplated or which may have occurred.

50. Officers and employees shall not commit any acts or make any statements, oral or written, which tend to bring the Department, its employees or City administrative officers into disrepute or ridicule; or that would disrupt or impair the performance of lawful duties or obligations of officers and employees of the Department or of the City of Bakersfield; or which tend to interfere with or subvert the reasonable supervision or proper discipline of officers or employees of the Department.

51. Disputes among officers and/or employees that cannot be resolved by the officers and/or employees shall be referred immediately to a ranking officer on duty.

52. All vehicles under the control of this Department shall be operated in a reasonable and prudent manner, giving due regard to traffic conditions, the safety of others, and Departmental Policy.

53. Officers or employees of the Department shall not recommend or suggest to anyone the employment or name of any person, firm or corporation as an attorney, counsel or bondsman, except that nothing herein shall be construed as restricting the rights of officers and employees of the Department in connection with the administration of their private affairs. No officer or employee shall become bail for persons under arrest, except members of his/her immediate family, without the consent of a commanding officer.

54. Officers and employees shall be responsible for the proper care, maintenance and serviceable condition of any property issued for, or assigned to, their use. They shall immediately report to their commanding officer the loss of, damage, or unserviceable condition of any property issued for, or assigned to, their use. Willful or negligent abuse, mutilation, destruction, or loss of issued property may be made the subject of disciplinary action.

55. Every officer and employee of the Department, while on duty, must at all times be neat and clean. Clothing shall be clean and pressed; uniforms shall be in conformity with regulations.

Bakersfield Police Department

Bakersfield PD Policy Manual

Bakersfield Police Department Rules of Conduct

Officers and employees shall, as often as necessary, clean their equipment and keep it in good serviceable condition. All non-uniformed officers and employees shall dress in a manner which is in keeping with good taste, judgment and moderation. All personnel shall comply with the Department grooming and dress standards unless excluded by the Chief of Police due to special assignment. All officers shall maintain, in good condition, a complete uniform, regardless of rank or assignment.

56. Upon being suspended from duty as a matter of disciplinary action, an officer or employee shall immediately turn in his/her badge, identification card and City firearm to the ranking officer effecting the suspension, along with other City property in his/her possession which may be requested. At the time of suspension, an officer or employee shall be advised that he/she is to report to his/her division commander or the Chief of Police upon subsequent notification of a specified time. While on suspension, no officer or employee shall frequent or loiter about the police building. The time of his/her suspension shall be deducted in computing his/her pay. A suspended officer shall immediately notify his/her division commander of any and all pending court activities requiring his/her appearance. Suspended officers must appear when required by court subpoena, but time spent on court appearances will not count toward time suspended from duty. An officer or employee suspended pending a hearing before the Civil Service Trial Board for discharge is not restricted from seeking other employment. During the period of suspension, an officer or employee shall adhere to all the rules and regulations of the Department.

57. All reports shall be accomplished as outlined by departmental procedure or as otherwise directed by ranking officer.

58. No bill for repairs or maintenance of a departmental motor vehicle, equipment or property, will be incurred by any officer or employee, except upon authority from a ranking officer.

59. Officers of the Department shall have regular hours assigned to them for active duty each day, and when not so engaged, they shall be considered "off duty." They shall, however, always be subject to duty as needed. The fact that they may be technically off duty shall not be held as relieving them from the responsibility of taking proper police action on any matter coming to their attention at any time or when called upon. However, officers should avoid, when possible, neighborhood quarrels or disputes when off duty. Such disputes should, except when compelling circumstances dictate otherwise, be handled by on duty personnel.

60. Immediately upon employment with the Police Department, officers and employees shall record their correct address and telephone number with the office of the Chief of Police. Officers and employees are required to have telephones in the place where they reside. Changes in address or telephone number shall be reported within twenty-four hours of the change. This shall be done in writing and within the specified time, whether the employee is working or on leave, and delivered to the office of the Chief of Police.

61. All employees should avoid situations which give rise to an actual or apparent conflict between their professional responsibilities and their relationships with other employees. The avoidance of an actual or potential conflict is particularly important for superiors and subordinates, by rank, within the same chain of command.

Bakersfield Police Department

Bakersfield PD Policy Manual

Bakersfield Police Department Rules of Conduct

Employees who are in a probationary position and supervisors, or field training officers of a probationary employee shall not become involved in a dating or business relationship for the duration of the probationary period.

All other employees and supervisors shall not be involved in dating or business relationships with their supervisor/s or subordinate/s. Any employee who intends to become involved in one of these types of relationships shall notify their commanding officer either in person, or through the chain of command. It then becomes the responsibility of that commanding officer to take appropriate action to eliminate the conflict keeping the best interest of both the employees and the department in mind.

62. No officer or employee shall use the Department badge, uniform, insignia, vehicle, equipment or any other official representation or likeness for any unofficial activity, presentation or event, or to benefit any individual, organization or group without prior approval of the Chief of Police.

63. Officers and employees shall not solicit or accept contributions for the Police Department, or any other agency, organization, event or cause as representative of the Department without the prior consent of the Chief of Police or his/her designee.

64. Officers and employees shall have an affirmative responsibility to report to a supervisor or ranking officer, any misconduct by any member of this Department which comes to his/her attention.

65. Officers and employees who are arrested, cited, or come under investigation for any criminal offense or law violation in this or another jurisdiction shall report this fact to a supervisor or ranking officer as soon as possible. Citation for minor traffic offenses are excluded from this requirement.

66. Officers and employees shall not knowingly join or participate in any organization or group that advocates, incites, or supports criminal acts, criminal conspiracies or civil rights violations.

67. Officers and employees shall not store personal information or belongings with an expectation of privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers or similar areas that are the property of, or under the control and management of the Department. The Department recognizes the need for officers and employees to store personal items in such areas, however they should be aware that these areas may be inspected or otherwise entered to meet operational needs, internal investigatory requirements, or for other official reasons at the direction of the Chief of Police or his/her designee. Nothing in this section is intended to reduce the rights granted under the Peace Officers Bill of Rights, for those Department members who fall under its scope.

68. No officer or employee will maintain files, evidence or duplicate copies of Departmental files, reports, records, photographs, or other materials in either manual or electronic formats at his/her place of residence or in other locations outside the confines of the Department, except in conducting official business, or with prior express permission of a Division commander.

Bakersfield Police Department

Bakersfield PD Policy Manual

PREFACE TITLE

Bakersfield Police Department

Bakersfield PD Policy Manual

PREFACE TITLE

Bakersfield Police Department

Bakersfield PD Policy Manual

Table of Contents

MESSAGE FROM GREG TERRY, CHIEF OF POLICE	1
Bakersfield Police Department Mission Statement, Vision Statement and Law Enforcement Code of Ethics	2
Bakersfield Police Department Rules of Conduct	3
Preface Title	11
Preface Title	12
Chapter 1 - Law Enforcement Role and Authority	18
100 - LAW ENFORCEMENT AUTHORITY	19
101 - CHIEF EXECUTIVE OFFICER	20
102 - OATH OF OFFICE	21
103 - POLICY MANUAL	22
104 - APPENDIX POLICY	25
105 - Law Enforcement Code of Ethics	26
Chapter 2 - Organization and Administration	27
200 - ORGANIZATIONAL STRUCTURE AND RESPONSIBILITY	28
201 - DEPARTMENTAL DIRECTIVES	30
202 - EMERGENCY MANAGEMENT PLAN	31
203 - EMERGENCY EVACUATION PLAN - POLICE BUILDING	37
204 - TRAINING POLICY	42
205 - FIELD OFFICER TRAINING PROGRAM (FTO)	44
206 - EARLY INTERVENTION SYSTEM POLICY	47
207 - ELECTRONIC MAIL	50
208 - ADMINISTRATIVE COMMUNICATION	52
209 - STAFFING LEVELS	53
210 - TELESTAFF	54
211 - LICENSE TO CARRY A FIREARM	55
212 - RETIREE CONCEALED FIREARMS	63
Chapter 3 - General Operations	69
300 - USE OF FORCE	70
301 - HANDCUFFING AND RESTRAINTS	80
302 - CONTROL DEVICES AND TECHNIQUES	85
303 - CONDUCTED ELECTRICAL WEAPON (C.E.W.)	90
304 - OFFICER-INVOLVED SHOOTINGS	95
305 - OFFICER INVOLVED CRITICAL INCIDENTS	104
306 - FIREARMS	106
307 - ARREST APPROVAL PROCEDURE	116
308 - VEHICLE PURSUITS	117

Bakersfield Police Department

Bakersfield PD Policy Manual

309 - OFFICER RESPONSE TO CALLS	127
310 - CANINES	130
311 - OPERATIONAL PLAN	142
312 - SEARCH AND SEIZURE	145
313 - SEARCH WARRANT PREPARATION AND EXECUTION	148
314 - SHOTSPOTTER	151
315 - TEMPORARY CUSTODY OF JUVENILES	155
316 - DISCRIMINATORY HARASSMENT	172
317 - PUBLIC ALERTS	177
318 - VICTIM AND WITNESS ASSISTANCE	182
319 - INFORMATION TECHNOLOGY USE	185
320 - REPORT PREPARATION	189
321 - MEDIA RELATIONS	193
322 - COURT APPEARANCE AND SUBPOENAS	199
323 - RESERVE OFFICERS	207
324 - OUTSIDE AGENCY ASSISTANCE	212
325 - REGISTERED OFFENDER INFORMATION	214
326 - MAJOR INCIDENT NOTIFICATION	217
327 - CITE AND RELEASE POLICY	219
327 - PEER SUPPORT PROGRAM	222
328 - PRIVATE PERSON'S ARREST	227
329 - ANTI-REPRODUCTIVE RIGHTS CRIMES REPORT	229
330 - LIMITED ENGLISH PROFICIENCY SERVICES	231
331 - COMMUNICATION WITH PERSONS WITH DISABILITIES	238
332 - MANDATORY EMPLOYER NOTIFICATION	249
333 - CHAPLAINS	251
334 - ANIMAL CONTROL PROCEDURES	257
335 - SERVICE ANIMALS	263
336 - UNDERCOVER OPERATIONS	266
337 - BIOLOGICAL SAMPLES	268
338 - OBTAINING AIR SUPPORT	271
339 - AUTOMATIC VEHICLE LOCATING SYSTEM (AVL)	272
340 - FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES	274
341 - DETENTION/STOP DATA COLLECTION POLICY	278
 Chapter 4 - Patrol Operations	 282
400 - WATCH COMMANDERS	283
401 - PATROL FUNCTION	284
402 - RACIAL-OR-BIAS BASED PROFILING	287
403 - BRIEFING TRAINING	290
404 - CRIME AND DISASTER SCENE INTEGRITY	291
405 - SWAT	293
406 - HAZARDOUS MATERIAL RESPONSE	298
407 - HOSTAGE AND BARRICADED INCIDENTS	300
408 - RESPONSE TO BOMB CALLS	302
409 - RAPID RESPONSE AND DEPLOYMENT	309
410 - DEATH INVESTIGATION	313

Bakersfield Police Department

Bakersfield PD Policy Manual

411 - SENIOR AND DISABILITY VICTIMIZATION	316
412 - CHILD ABUSE	332
413 - MENTAL ILLNESS COMMITMENTS	338
414 - Hate Crimes	342
415 - DOMESTIC VIOLENCE	352
416 - IDENTITY THEFT	359
417 - TRESPASSING LAW ENFORCEMENT	360
418 - IMMIGRATION VIOLATIONS	361
419 - EMERGENCY UTILITY SERVICE	366
420 - CONTACT AND TEMPORARY DETENTIONS	367
421 - CRIMINAL ORGANIZATIONS	371
422 - MOBILE DIGITAL COMPUTER USE (MDC)	377
423 - COMPUTER KEYFOB	379
424 - PORTABLE AUDIO RECORDERS	380
425 - BODY WORN CAMERAS	383
426 - MEDICAL MARIJUANA	388
427 - BICYCLE PATROL UNIT	393
428 - CIVIL DISTURBANCE AND CROWD CONTROL	395
429 - AUTOMATED LICENSE PLATE READERS (ALPRs)	399
430 - CRISIS INTERVENTION INCIDENTS	409
431 - FIRST AMENDMENT ASSEMBLIES	413
432 - SUSPICIOUS ACTIVITY REPORTING	420
433 - RIDE-ALONG POLICY	422
434 - MISSING PERSONS	425
435 - NASAL NALOXONE (NARCAN) PROGRAM	433
 Chapter 5 - Traffic Operations	 436
500 - TRAFFIC FUNCTION AND RESPONSIBILITY	437
501 - TRAFFIC COLLISION REPORTING	439
502 - AIRCRAFT ACCIDENTS	441
503 - VEHICLE STORAGE AND IMPOUNDS	445
504 - VEHICLE IMPOUND HEARINGS	449
505 - SOBRIETY CHECKPOINT OPERATIONS	451
506 - IMPAIRED DRIVING	458
507 - TRAFFIC CITATIONS	464
508 - DISABLED VEHICLES	467
509 - 72-HOUR PARKING VIOLATIONS	468
 Chapter 6 - Investigation Operations	 469
600 - INVESTIGATION AND PROSECUTION	470
601 - DIGITAL IMAGES STANDARD OPERATING PROCEDURES	471
602 - Sexual Assault Investigations	477
603 - FINANCIAL CRIME INVESTIGATIONS	482
604 - ASSET FORFEITURE PROCEDURE	487
605 - NOTIFICATION PROCEDURE FOR ON-CALL NARCOTICS SERGEANT	491
606 - INFORMANTS	492
607 - EYEWITNESS IDENTIFICATION	502

Bakersfield Police Department

Bakersfield PD Policy Manual

608 - WARRANT SERVICE	506
609 - OPERATIONS PLANNING AND DECONFLICTION	510
610 - UNMANNED AERIAL SYSTEMS OPERATIONS (UAS)	515
611 - Brady Material Disclosure	520
Chapter 7 - Equipment	522
700 - DEPARTMENT OWNED AND PERSONAL PROPERTY	523
701 - PERSONAL COMMUNICATION DEVICES	525
702 - VEHICLE MAINTENANCE	527
703 - VEHICLE USE	530
704 - PERSONAL PROTECTIVE EQUIPMENT	534
Chapter 8 - Support Services	539
800 - CRIME ANALYSIS	540
801 - COMMUNICATION OPERATIONS	542
802 - PROPERTY AND EVIDENCE	544
803 - RECORDS SECTION	553
804 - RECORDS MAINTENANCE AND RELEASE	555
805 - RESTORATION OF FIREARM SERIAL NUMBERS	563
806 - PROTECTED INFORMATION	565
807 - COMPUTER AND DIGITAL EVIDENCE	569
808 - VIDEO POLICING SYSTEM	573
Chapter 9 - Custody	576
900 - CUSTODY SEARCHES	577
Chapter 10 - Personnel	580
1001 - PERSONNEL FILES	581
1002 - PERSONNEL COMPLAINTS	593
1003 - DISCIPLINARY POLICY	607
1004 - EVALUATION OF EMPLOYEES	616
1005 - GRIEVANCE PROCEDURE	619
1006 - REPORTING OF EMPLOYEE CONVICTIONS	621
1007 - Drug- and Alcohol-Free Workplace	623
1008 - DEPARTMENT USE OF SOCIAL MEDIA	626
1009 - SICK LEAVE	629
1010 - COMMUNICABLE DISEASES	631
1011 - SMOKING AND TOBACCO USE	643
1012 - SEAT BELTS	644
1013 - BODY ARMOR	645
1014 - REQUEST FOR CHANGE OF ASSIGNMENT	647
1015 - COMMENDATIONS AND AWARDS	648
1016 - MEAL PERIODS AND BREAKS	650
1017 - LACTATION BREAKS	651
1018 - OVERTIME PAYMENT REQUESTS	652
1019 - OUTSIDE EMPLOYMENT "MOONLIGHTING"	655
1020 - WORK-RELATED INJURY AND ILLNESS REPORTING	659

Bakersfield Police Department

Bakersfield PD Policy Manual

1021 - PERSONAL APPEARANCE STANDARDS	662
1022 - NEPOTISM AND CONFLICTING RELATIONSHIPS	664
1023 - DEPARTMENT BADGES	667
1024 - EMPLOYEE SPEECH, EXPRESSION AND SOCIAL NETWORKING	669
1025 - TATTOOS, PIERCINGS, BODY MODIFICATIONS	673
1026 - TEMPORARY ASSIGNMENTS	677
1028 - Wellness Program	682
Attachments	686
BPD PDSA and Settlement Agreement 10.1.20.pdf	687
332 mups_reference_chart.pdf	688
Employee Eval Master Form NF.pdf	689
Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf	690
BPD Retiree_CCW Waiver 4.28.20.pdf	691
Hate Crime Checklist.pdf	692
Statutes and Legal Requirements.pdf	693
Call Out Chart 3.30.16.pdf	694

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 Bakersfield Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Sworn members of this department shall be considered peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

- (a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
- (b) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or
- (c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

100.3 CONSTITUTIONAL REQUIREMENTS

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

CHIEF EXECUTIVE OFFICER

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 EXECUTIVE OFFICER REQUIREMENTS

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

OATH OF OFFICE

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.

POLICY MANUAL

103.1 PURPOSE AND SCOPE

The manual of the Bakersfield Police Department 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.

103.1.1 DISCLAIMER

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

103.2 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

103.2.1 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.

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Bakersfield Police Department

Department /- The Bakersfield Police Department.

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department.

Bakersfield Police Department

Bakersfield PD Policy Manual

POLICY MANUAL

Juvenile - Any person under the age of 18 years.

Manual - The Bakersfield Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

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

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

Rank - The job classification title held by an officer.

Shall or will - Indicates a mandatory action.

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

USC - United States Code

103.2.2 DISTRIBUTION OF MANUAL

A computerized version of the Policy Manual will be made available on the Department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from Staff.

103.3 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.

103.3.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet Home Page under the title Recent Policy Manual Revisions. The Administration Captain or authorized designee will have the responsibility to make revisions to the Policy Manual. Each employee shall review the revisions and seek clarification as needed.

Bakersfield Police Department

Bakersfield PD Policy Manual

POLICY MANUAL

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

APPENDIX POLICY

104.1 PURPOSE AND SCOPE

The appendices of the Bakersfield Police Department Policy Manual are intended to give guidance in specific areas of operation within the department. These appendices are in support of the policies set forth in the Policy Manual.

The appendices will be maintained in the same file folder as the electronic version of the Policy Manual as separate documents.

The appendices may be amended from time to time as necessary, and at the direction of the Chief of Police. Revisions of appendices will be subject to the same requirements as set forth in Policy 106.4.1- Revisions of Policies.

104.2 APPENDIX I - UNIFORM AND APPEARANCE GUIDELINES

This policy establishes standards for uniforms and personal appearance of on-duty Bakersfield Police Department personnel.

104.3 APPENDIX II - TRAINING PLAN AND EMPLOYEE CAREER PATHS

The Training Plan is designed to identify and set training needs and priorities for the training of every rank/position and task/specialized assignment within the Department. The Plan should be used as an objective tool to bring uniformity and consistency to training, while providing employees with the greatest opportunity for success. It is a tool to be used by supervisors and managers on a regular basis, in their effort to meet the training needs of their employees, and/or evaluating training requests from employees.

104.4 APPENDIX III - REPORT WRITING MANUAL

The purpose of this manual is to serve as a reference or guide to the officers of the Bakersfield Police Department for the writing of reports.

104.5 APPENDIX IV - EVIDENCE AND PROPERTY MANUAL

The guidelines and procedures contained in this manual are officially recognized and adopted by the Bakersfield Police Department, under the Chief of Police, and shall be the policy of this department for the handling and processing of property.

Law Enforcement Code of Ethics

105.1 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.

105.2 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).

105.3 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.

105.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

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 DIVISIONAL STRUCTURE

The Chief of Police is responsible for administering and managing the Bakersfield Police Department. The Chief of Police directly oversees the Chief's Adjutant, Public Information Officer (PIO), Internal Affairs, Quality Assurance, Business Office, and personnel assigned to the Joint Terrorism Task Force.

The remainder of the Department is overseen by two Assistant Chiefs of Police. One Assistant Chief of Police is responsible for the Support Services Division, Training & Logistics Division, and Investigations Division. The other Chief of Police is responsible for the Field Services Division and the Special Operations Division.

200.2.1 FIELD SERVICES DIVISION

The Field Services Division is commanded directly by a Captain whose primary responsibility is to provide general management direction and control for that Division.

200.2.2 SPECIAL OPERATIONS DIVISIONS

The Special Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division.

200.2.3 INVESTIGATIONS DIVISION

The Investigations Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the that Division.

200.2.4 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the that Division.

200.2.5 TRAINING & LOGISTICS DIVISION

The Training & Logistics Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the that Division.

200.3 COMMAND PROTOCOL

Bakersfield Police Department

Bakersfield PD Policy Manual

ORGANIZATIONAL STRUCTURE AND RESPONSIBILITY

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 command-level officer to serve as the acting Chief of Police.

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

200.3.3 ORDERS

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

DEPARTMENTAL DIRECTIVES

201.1 PURPOSE AND SCOPE

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

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "001". For example, 22-001 signifies the first Departmental Directive for the year 2022.

201.2 RESPONSIBILITIES

The Chief of Police shall issue all Departmental Directives

201.2.1 QUALITY ASSURANCE UNIT

All Departmental Directives shall be issued through Quality Assurance Unit. The Quality Assurance Unit shall be responsible for publishing directives to all employees and maintaining appropriate records of generation, issuance, and acknowledgement of departmental directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directives. Records demonstrating employees' acknowledgement (such as signed acknowledgement forms, email receipts, or other records) will be maintained by the Quality Assurance Unit.

EMERGENCY MANAGEMENT PLAN

202.1 PURPOSE AND SCOPE

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

202.2 ACTIVATING THE EMERGENCY PLAN

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF THE PLAN

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

202.4 UPDATING OF MANUALS

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

202.5 EMERGENCY PERSONNEL CALL-OUT PROCEDURE

The purpose of this section is to establish a consistent response procedure for all police department sworn and non-sworn personnel, should the City of Bakersfield experience a natural disaster or other catastrophic event requiring a large scale public safety response. These events may include, but are not limited to the following:

- Flood
- Earthquake
- Fire
- Civil Disturbance

Bakersfield Police Department

Bakersfield PD Policy Manual

EMERGENCY MANAGEMENT PLAN

This information provides employees with a plan of action should standard means of communication be damaged or destroyed. The need to implement the Department Emergency Plan will be at the discretion of the Chief of Police or highest ranking official (OIC) on-duty. As part of the Department Emergency Plan, the City of Bakersfield will be split into two areas of responsibility. The parameters of the two areas of responsibility will coincide with the current Operations Divisions East and West patrol boundaries.

202.5.1 STAGING LOCATIONS

Staging locations will be established to accommodate an East Command & Staging Center, West Command & Staging Center, and Special Operations Command & Staging Center. To establish known staging locations for a department-wide response by on and off-duty personnel, the following locations will be identified as dedicated staging areas:

East Command & Staging Center

Bakersfield Police Department Headquarters

1601 Truxtun Avenue

(661) 326-3816

West Command & Staging Center

Bakersfield Police Department Westside Substation

1301 Buena Vista Road

(661) 852-7850

Special Operations Command & Staging Center

Bakersfield Police Firearms Training Center

3945 Truxtun Avenue

(661) 324-7468

In the event that one or all of the designated command & staging centers become unavailable, the following locations have been designated as possible secondary staging points. The location and need to establish a secondary staging site will be determined by the OIC:

East

Kern County Sheriff Department Dispatch Center (Control 5)

2601 Panorama Drive

(661) 861-3110 (Communication Center)

Bakersfield City Adult School Facility

501 South Mount Vernon Avenue

Bakersfield Police Department

Bakersfield PD Policy Manual

EMERGENCY MANAGEMENT PLAN

(661) 835-1855 (Administration)

West

California State University Bakersfield - Dore Theatre

9001 Stockdale Highway

(661) 664-2011 Ext: 2111 (University Police)

Centennial High School

8601 Hageman Road

(661) 588-8601 (Administration)

Special Operations

Bakersfield Police Training Facility

4646 California Ave.

The secondary command centers should be established at a location that will allow for adequate communication services, staging and deployment of personnel and safety/security from the disaster or catastrophic event. Should there become a need to move the East Command & Staging Center to a secondary location the OIC shall ensure that the department's mobile command post is immediately mobilized and transported to the alternate East Command & Staging Center location.

202.5.2 COMMAND STRUCTURE

In the event the Department Emergency Plan is implemented during normal business hours:

- The East Command Center will be established and supervised by the highest ranking on-duty East Headquarters official.
- The West Command Center will be established and supervised by the highest ranking on-duty West Substation official.
- The Special Operations Command Center shall be established and commanded by the highest ranking on-duty SWAT officer until the need for the Department Emergency Plan has subsided, or relieved by a ranking SWAT Commander.

All commanding officers will maintain supervision of these command centers until the need for the Department Emergency Plan has subsided or relieved by a ranking officer.

Should the event occur after normal business hours:

- The on-call Duty Chief shall respond to the East Command Center and assume command, assisted by the Watch Commander, Investigations Sergeant and Detectives.

Bakersfield Police Department

Bakersfield PD Policy Manual

EMERGENCY MANAGEMENT PLAN

- The on-call Investigations Commander shall respond and assume command of the West Command Center, assisted by the on-call Administration Detectives and PIO.
- The on-call Administration OIC shall respond to and assume command of the South Command Center.
- The on-call SWAT Commander shall respond to the Special Operations Command Center and assume command.

202.5.3 ON-DUTY PERSONNEL

Once the Department Emergency Plan is activated, on-duty employees (sworn and non-sworn) are expected to remain on-duty and available for orders from the OIC, until properly relieved or dismissed by a ranking official.

202.5.4 COMMUNICATION

With the city divided into two areas of responsibility, a communication hub should be established at both the East and West Command Centers to accommodate communications with off-duty personnel. The OIC of each command center should assign no less than two department employees to maintain the telephone and radio communication hub. Additional sworn and/or non-sworn personnel should also be utilized to scribe and maintain a log of all in-coming and out-going communications.

202.5.5 OFF-DUTY PERSONNEL

Off-duty sworn and non-sworn personnel are expected to secure their households and ensure the safety of family members prior to a response to the designated staging areas. After ensuring the safety of family members every effort should be made to contact the command center associated with the employee's designated staging area. It is important to remember that standard means of communication may be disrupted or possibly eliminated depending on the nature of the event. Should telephone communication be eliminated, radio channels will be utilized to establish communication. Below are the pre-designated telephone numbers and radio channels assigned to each command center.

Telephone

- East Command Center - (661) 326-3816
- West Command Center - (661) 852-7850

Radio

- East Command Center - Channel 4; Call Sign: DO1 (David Ocean 1)
- West Command Center - Channel 5; Call Sign: DO2 (David Ocean 2)

At the point of contact each employee should provide his/her name and identification number, along with a brief summary of his/her status including injuries, estimated response time, and family status. Calls to the Bakersfield Police Communication Center should be used as a last resort only, as the communication center telephone lines should be reserved for general public use and assistance. In the event that all lines of communication have failed, off-duty personnel shall

Bakersfield Police Department

Bakersfield PD Policy Manual

EMERGENCY MANAGEMENT PLAN

respond to the designated staging area as soon as possible. For sworn personnel having a rank of Lieutenant and below, every effort should be made to arrive for deployment in full Class B duty uniform, including duty belt and all necessary safety equipment. If an employee is unable to respond to the designated staging location, he/she should respond to the nearest public safety facility and continue attempts at communication with the designated command center.

202.5.6 SPECIAL ASSIGNMENT PERSONNEL (SWAT, BOMB SQUAD, CDT, SEU & K-9)

All officers assigned to the Bakersfield Police Department SWAT, Bomb Squad, CDT, SEU & K-9 units will stage at the Special Operations Command & Staging Center. This staging location also houses many of the department's specialized vehicles, munitions and other safety equipment necessary for availability during a large scale emergency response. Unless emergency circumstances dictate otherwise, all special assignment personnel should respond to the staging area wearing the departmentally approved special assignment uniform, along with all necessary duty gear and safety equipment.

On-duty special assignment personnel shall remain at his/her assigned duty station until properly relieved by an additional officer(s) or at the direction of a supervisor. Each on-duty special assignment officer shall contact the desk officer at the Special Operations Command Center and provide your name, identification number and current status. Should attempts to contact the Special Operations Command Center fail, officers should contact the East Command Center as a secondary communication source. Once relieved, special assignment personnel shall respond to the designated staging area for deployment.

Off-duty special assignment personnel are expected to secure his/her household and ensure the safety of family members prior to a response to the designated staging area. At the earliest convenience every effort should be made to contact the Special Operations Command Center, at the number(s) and/or radio channel(s) below.

Telephone

- Special Operation command Center - (661) 324-7468

Radio

- Special Operation Command Center Channel 8; Call Sign: DO4 (David Ocean 4)

202.5.7 STAGING AREA GROUPS

In order to establish prearranged groups for response to the command centers, color coded groups will be utilized.

All sworn personnel below the rank of Lieutenant have been separated into four color coded groups (Red, Blue, Yellow and Green).

- A-D are assigned to the Red Group
- E-K are assigned to the Blue Group
- L-P are assigned to the Yellow Group

Bakersfield Police Department

Bakersfield PD Policy Manual

EMERGENCY MANAGEMENT PLAN

- Q-Z are assigned to the Green Group
- (a) Planning, Research and Training Personnel: All officers assigned to the training division at the time of an emergency call-out event shall respond to the East Command & Staging Center, regardless of your assigned color code group.
- (b) On-Call Duty Personnel: All sworn personnel assigned to an on-call status for the Duty Board at the time of an emergency call-out event shall respond to the corresponding location indicated on the "Emergency Call-Out Response Chart" below, regardless of your assigned color coded group.
- (c) Communication Center, Police Service Technician, Crime Scene Unit and all non-sworn civilian personnel assigned to the East Headquarters Division have been placed into the White color coded group.
- (d) All non-sworn civilian personnel assigned to the Westside Substation have been placed into the Black color coded group.
- (e) All personnel assigned to Animal Control Division have been placed into the Orange color coded group.

In the event that the Department Emergency Plan is implemented all employees should respond to the command center associated with his/her color coded training group, as indicated on the chart below.

Time keeping procedures will follow existing Department and City policy. If an Emergency Proclamation is made, refer to the City of Bakersfield's Emergency Operations Plan, Part 2 Section 5.0 for time keeping procedures.

[See attachment: Call Out Chart 3.30.16.pdf](#)

EMERGENCY EVACUATION PLAN - POLICE BUILDING

203.1 PURPOSE AND SCOPE

The purpose of this document is to provide employees with information in the event the Police Building is to be evacuated due to an emergency or natural disaster. A disorganized building evacuation can result in confusion, injury and property damage. In the event of an emergency, Police Officers may order an evacuation. Protecting the health and safety of everyone in the facility should be the first priority. In the event of a fire, an immediate evacuation to a predetermined area away from the facility is the best way to protect employees. On the other hand, evacuating employees may not be the best response to an emergency such as a toxic gas release from the rail line behind the Police Building.

203.1.1 DECISION TO EVACUATE

The decision to evacuate should come from one of the following sources or scenarios:

- Fire personnel
- Police personnel
- Emergency Evacuation Coordinator, Assistant Emergency Evacuation Coordinator, or Floor Sweeper
- If evacuation is to include the Communications Center, 9-1-1 calls must be transferred to the Kern County Sheriff's Office Communications Center while BPD communications are re-established. BPD Communications will establish a temporary dispatch center at one of the following as determined by the Communications Supervisor:
 - The Kern County Sheriff's Office Communications Center- this is preferred as equipment is in place to allow dispatching City units from that location.
 - The BPD Training Center on California Avenue- this will require the use of MDC's and handheld radios.
 - The Mobile Command Post maybe used as a temporary-dispatch center.
 - Another location as determined by the Watch Commander and Communications Supervisor.

203.2 IN CASE OF AN EMERGENCY

In case of earthquake stay inside, get under desk or table, or stand in doorway or against inside walls. Once tremors stop, evacuate building and go to assembly area.

In case of fire, call 911 and notify supervisor, evacuate the building and go to assembly area.

In case of bomb threat, refer to the Bomb Threat Assessment Checklist (attached) to obtain as much information from caller as possible. Call 911 and contact your supervisor or department head immediately. Wait for further instruction.

Bakersfield Police Department

Bakersfield PD Policy Manual

EMERGENCY EVACUATION PLAN - POLICE BUILDING

All other emergencies will be handled on a case by case basis.

203.3 EMERGENCY EVACUATION COORDINATOR

The Emergency Evacuation Coordinator is responsible for the following:

- Assessing the situation to determine whether an emergency exists requiring activation of emergency procedures;
- Notifying Floor Sweepers when evacuation is warranted;
- Supervising all efforts in the area, including evacuating personnel;
- Coordinating outside emergency services, such as medical aid and local fire departments, and ensuring they are available and notified when necessary;
- Maintain the Emergency Evacuation Plan.

203.3.1 ASSISTANT EMERGENCY EVACUATION COORDINATOR

- Assist Emergency Evacuation Coordinator in the case of an emergency and act as the Emergency Evacuation Coordinator in their absence;
- Maintaining emergency supplies at facility such as water, flash lights, first aid kits, etc.

203.3.2 FLOOR SWEEPER

- One Floor Sweeper per floor will be assigned to help move employees to safe areas during an emergency;
- Sweep floor after evacuation to ensure all employees have evacuated building;
- Ensure elevators are not used during an emergency;
- Be familiar with evacuation routes, assembly areas, and general evacuation and emergency plans;
- Work with departments on your floor to educate personnel of evacuation routes, assembly areas, and general evacuation and emergency plans;
- Check fire extinguishers on their floor monthly to make sure they are operable;
- A back up Floor Sweeper will be assigned to each floor in case the Floor Sweeper is not present.

203.3.3 EMERGENCY EVACUATION TEAM FOR POLICE BUILDING

Emergency Evacuation Coordinator: Designated by Chief of Police or Watch Commander

Assistant Emergency Evacuation Coordinator: Designated by Chief of Police or Watch Commander

Floor Sweeper second story: Designated by Chief of Police or Watch Commander

Floor sweeper second story: Designated by Chief of Police or Watch Commander

Bakersfield Police Department

Bakersfield PD Policy Manual

EMERGENCY EVACUATION PLAN - POLICE BUILDING

Floor Sweeper first story: Designated by Chief of Police or Watch Commander

Floor Sweeper first story: Designated by Chief of Police or Watch Commander

Floor Sweeper basement: Designated by Chief of Police or Watch Commander

Floor Sweeper basement: Designated by Chief of Police or Watch Commander

203.4 SUPERVISOR RESPONSIBILITIES

- Know Evacuation Plan and train employees;
- When notified by an employee of an emergency, contact Emergency Evacuation Coordinator;
- Make sure all employees exit building during an evacuation;
- Keep updated personnel listing and take head count in assembly area after evacuation. Report findings to Emergency Evacuation Coordinator and/or emergency safety personnel;
- Maintain Emergency Response Family Information form on each employee. This is to be used in case family members need to be contacted;
- Post Emergency Plan on department bulletin board.

203.5 EMPLOYEE RESPONSIBILITIES

- In case of earthquake stay inside, get under desk or table, or stand in doorway or against inside walls. Once tremors stop, evacuate building and go to assembly area;
- In case of fire, call 911 and notify supervisor, evacuate the building and go to assembly area;
- In other emergencies, follow instruction from supervisors, Evacuation Coordinator, or Floor Sweeper.

203.6 EVACUATION ROUTES AND EXITS

- Maps are posted in hallways near stairwells showing exit routes and assembly areas;
- Hallways should be unobstructed and clear of debris at all times.

203.6.1 ASSEMBLY AREAS

In an evacuation all employees are to assemble in the City Employees Parking Lot on the south side of City Hall South, keeping Eye Street and the Department parking lot clear to allow easy access to emergency vehicles. Employees should line up by unit so supervisors may take a head count to ensure everyone has evacuated the building. Employees will be given further instructions as the situation progresses.

Bakersfield Police Department

Bakersfield PD Policy Manual

EMERGENCY EVACUATION PLAN - POLICE BUILDING

Employees assigned to City Hall North building should evacuate to the sidewalk adjacent to Truxtun Avenue.

203.6.2 BUILDING RE-ENTRY

After evacuation, employees may not enter the building until local emergency officials or the Evacuation Coordinator authorizes re-entry.

203.7 BOMB THREAT ASSESSMENT GUIDELINES

These guidelines are intended to provide City employees basic information that will be helpful in the event of a bomb threat. Most bomb threats are received over the telephone by the first person answering the phone, i.e., the receptionist. Often the message is short and the caller quickly hangs up. However, even in a short message, an employee can gather valuable information that will help law enforcement officials in responding to the threat.

1. IF YOU RECEIVE A BOMB THREAT GET AS MUCH INFORMATION AS YOU CAN:

- (a) Listen closely to the caller. Are they male or female, child or adult, age?
- (b) Do they have an accent or speech impediment?
- (c) What is their mood: angry, calm, stressed, irrational, etc.?
- (d) Are there noticeable background sounds, i.e. street noise, music, etc.?
- (e) Is there anything else that would help to identify the caller?
- (f) Try to remember the exact wording of the threat and write it down.
- (g) If the caller does not hang up, you might be able to gain additional information. Some suggested questions to ask the caller are:
 - When is it going to explode?
 - Where is the bomb right now?
 - What does it look like?
 - What kind of bomb is it?
 - Where did you place the bomb?
 - Why?
 - What is your name?
 - What is your address?

This information is vital in trying to identify the caller and the location of the bomb.

2. NOTIFY YOUR DEPARTMENT HEAD OR DESIGNEE OF THE THREAT AND YOUR CALL TO 9-1-1.

3. Follow Bakersfield Police Department Policy "Response to Bomb Calls."

Bakersfield Police Department

Bakersfield PD Policy Manual

EMERGENCY EVACUATION PLAN - POLICE BUILDING

203.8 SUSPICIOUS PACKAGES

1. If you discover a suspicious package, notify your supervisor immediately;
2. A supervisor will make proper notification. Do not attempt to move, open or inspect the package yourself. If supervisor is not available call 911 yourself. Use a land line and avoid using hand held radios or cellular phones.
3. Follow Bakersfield Police Department Policy "Response to Bomb Calls."

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 has been developed and is maintained by The Training & Logistics Division Lieutenant. It is the responsibility of The Training & Logistics Division Lieutenant to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

** Refer to Appendix for Training Plan and Employee Career Paths.*

204.5 TRAINING NEEDS ASSESSMENT

The Training & Logistics Division 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

TRAINING POLICY

204.6 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.

204.7 TRAINING MANAGER

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

204.7.1 TRAINING RESTRICTION

The Training & Logistics Division Lieutenant 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)).

FIELD OFFICER TRAINING PROGRAM (FTO)

205.1 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 Bakersfield Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

205.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer, police service technician or Animal Control Officer trained in the art of supervising, training, and evaluating entry level and lateral police officers, police service technicians or Animal Control Officers in the application of their previously acquired knowledge and skills.

205.2.1 SELECTION PROCESS FOR SWORN FTO

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of four years of patrol experience, two of which should be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

205.2.2 TRAINING FOR SWORN FTOS

An employee 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.

205.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

FIELD OFFICER TRAINING PROGRAM (FTO)

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

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

205.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Bakersfield Police Department who has successfully completed a POST approved Basic Academy.

205.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B). This waiver must be reviewed and approved by the Chief of Police or authorized designee.

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.

205.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

205.6.1 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

FIELD OFFICER TRAINING PROGRAM (FTO)

- (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.

205.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

205.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

205.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

205.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

EARLY INTERVENTION SYSTEM POLICY

206.1 PURPOSE

This policy describes the Bakersfield Police Department's Early Intervention System (EIS) which is designed to function as an objective management tool to collect and analyze a wide range of data involving employee performance both past and present. The EIS will when appropriate, make intervention recommendations to command staff involving individual employee performance issues, training deficiencies (employee or Department), or issues with Department policy which may be an indicator of future problems if continued. The EIS is designed to provide non-disciplinary direction and training and improve Department operations. This does not preclude the Chief of Police from ordering an administrative investigation should compelling information be obtained via EIS. The EIS is intended to enhance accountability, increase professionalism, and build public trust.

206.2 DEFINITION

The Bakersfield Police Department's Early Intervention System (EIS) has two components:

- A system in which incidents are tracked and monitored based on a numerically set series of thresholds. The incident types used in this system are set at the direction of the command staff. The thresholds are set based on numerical sampling, weighted averages, and statistical models and can also be set at the direction of the Chief of Police.
- A system in which statistical modeling identifies incidents inputted into a department-approved data system for additional intervention analysis. This system tracks all identified incident types and retains two years of rolling sampling data in its calculations.

Quality Assurance personnel will conduct annual reviews of Department-wide performance thresholds. Individualized employee thresholds can be adjusted at the direction of command staff, if necessary.

206.3 SCOPE

The Bakersfield Police Department's Early Intervention System (EIS) utilizes a variety of means to collect data on a wide range of employee activity relating to job performance, department policy, wellness factors, and potential liabilities. Quality Assurance will review EIS alerts, analyze them, and, as necessary, make notifications to the division commanders.

The EIS is not a substitute for an administrative investigation relating to possible employee misconduct.

206.4 INTERVENTION

EIS is used to collect data on individual employee performance activities.

Factors in determining intervention necessity will include but not be limited to:

EARLY INTERVENTION SYSTEM POLICY

- Employee assignment
- Peer-to-peer comparison
- The historical unit, division, assignment, and/or department-wide averages
- Overall Performance
- Other related alerts
- Past performance
- Use of Force considerations, strategies, and/or tactics

Use of Force-related alerts can be referred to the department Use of Force Committee for review and action. The Use of Force Committee may also refer the alert to the involved officers Lieutenant for action after review.

Quality Assurance Responsibilities

- As needed, consult with involved employee's lieutenant and review the alert.
- Review applicable reports, relevant policy, training records, etc.
- Present relevant alerts to command staff in a timely manner.
- Forward all alerts to the appropriate command staff for review regardless of intervention action taken.

Final organizational recommendations may include, but are not limited to:

- No action required
- Supervisor/employee interaction and/or monitoring
- Training- department or individual
- Policy review/revision
- EAP referral
- Peer Support referral
- Employee Commendation

Intervention Follow-up

After the EIS review, an Alert Response will be completed by the employee's lieutenant or as necessary, the Use of Force Committee Lieutenant. If there is no recommended action, the alert will be closed, indicating no further action needed. If intervention action is recommended, the employee's lieutenant (or Use of Force Lieutenant) will ensure the action is carried out and will document it for posterity.

206.5 END OF YEAR REPORTS

At least annually, the Quality Assurance Lieutenant should prepare a report of EIS alerts, any interventions, and the measurable outcomes. The report will be submitted to the Chief of Police.

Bakersfield Police Department

Bakersfield PD Policy Manual

EARLY INTERVENTION SYSTEM POLICY

The Use of Force Committee may collaborate with Quality Assurance on an annual Use of Force report to include personnel Use of Force activity, alerts, training, and outcomes at the direction of the Chief of Police.

ELECTRONIC MAIL

207.1 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.

207.2 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.

207.3 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 Division Commander. Personal advertisements are not acceptable.

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

207.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes.

Bakersfield Police Department

Bakersfield PD Policy Manual

ELECTRONIC MAIL

Messages should be purged manually by the user at least once per week. All messages in excess of one month will be deleted at regular intervals from the server computer.

ADMINISTRATIVE COMMUNICATION

208.1 PURPOSE AND SCOPE

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

208.2 MEMORANDUMS

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

208.3 CORRESPONDENCE

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

208.4 SURVEYS

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

STAFFING LEVELS

209.1 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.

209.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two regular sworn supervisors on duty whenever possible. Watch Commanders will ensure that at least two field supervisors are deployed during each watch, in addition to the Watch Commander. In ordinary circumstances, the Watch Commander will be a lieutenant or above. Should no lieutenant be available, a sergeant may be designated the Watch Commander at the approval of the On-Duty Division Commander. If no other designation is made, the senior (by time in rank) sergeant will be the Watch Commander.

TELESTAFF

210.1 PURPOSE AND SCOPE

The efficient scheduling of employees and accurate reporting of payroll functions are essential to carrying out the mission of the Bakersfield Police Department. These functions will be managed by the TeleStaff software system.

210.2 SCHEDULING

The scheduling of employees engaged in work for which compensation is received will be conducted in TeleStaff. Daily schedules will be maintained by supervisors to accurately reflect the hours worked by employees.

210.2.1 EMPLOYEE'S RESPONSIBILITY

It shall be the responsibility of each employee to review their work schedule within TeleStaff to ensure it accurately reflects the actual hours worked. It shall be the responsibility of the employee to notify their immediate supervisor of circumstances which necessitate a change in normal work hours or status. Changes of status are, approved overtime leave, vacation, floating holiday, sick leave, on duty injury, administrative leave (civilian supervisors and police management), and business leave. In all instances where the leave is known prior to the first affected work day, it shall be the responsibility of the employee to ensure the schedule adjustments have been made. Requests for sick leave shall be made as outlined in policy 1014- Sick Leave Reporting.

210.2.2 SUPERVISOR'S RESPONSIBILITY

It shall be the responsibility of each supervisor to review the work schedule of their subordinates within TeleStaff to ensure it accurately reflects the actual hours worked. It shall be the responsibility of the supervisor to ensure adjustments have been made in TeleStaff, prior to finalization, when circumstances necessitate a change in normal work hours or status of a subordinate.

Ranking officers may designate Senior Officers to share these responsibilities. Under such circumstances, Senior Officers will adhere to the same procedures set forth. However, Senior Officers will also ensure that the badge number of the supervisor (Sergeant or above) who has granted their authority is indicated in the note field of each TeleStaff entry.

210.3 PAYROLL

It shall be the responsibility of each employee to ensure they comply with the requirements as outlined in Bakersfield Police Department Policy - "Overtime Payment Requests." In the event an employee or supervisor encounters or causes an error that their authority level prevents them from correcting they shall send an email to telestaff@bakersfieldpd.us indicating "Payroll" within the subject line.

LICENSE TO CARRY A FIREARM

211.1 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.

211.1.1 APPLICATION OF POLICY

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

211.2 POLICY

The Bakersfield Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

211.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

- (a) Be a resident of the City of Bakersfield (Penal Code § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).
- (f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership or registration of any firearm to be licensed.
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training (Penal Code § 26165).

Bakersfield Police Department

Bakersfield PD Policy Manual

LICENSE TO CARRY A FIREARM

211.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

211.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 - 2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of Bakersfield for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).
 - 1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be

Bakersfield Police Department

Bakersfield PD Policy Manual

LICENSE TO CARRY A FIREARM

issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Once the Chief of Police or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

211.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
 - 1. The determination of good cause should consider the totality of circumstances in each individual case.
 - 2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
 - 3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

Bakersfield Police Department

Bakersfield PD Policy Manual

LICENSE TO CARRY A FIREARM

- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

211.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

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

211.6 ISSUED FIREARMS PERMITS

In the event a license to carry a firearm is issued by the Chief of Police, the following shall apply:

Bakersfield Police Department

Bakersfield PD Policy Manual

LICENSE TO CARRY A FIREARM

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.
 - 1. Each license shall be numbered and clearly identify the licensee.
 - 2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 - 1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
 - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this department in writing within 10 days of any change of place of residency.

211.6.1 LICENSE RESTRICTIONS

- (a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 - 1. Consuming any alcoholic beverage while armed.
 - 2. Falsely representing him/herself as a peace officer.
 - 3. Unjustified or unreasonable displaying of a firearm.
 - 4. Committing any crime.

Bakersfield Police Department

Bakersfield PD Policy Manual

LICENSE TO CARRY A FIREARM

5. Being under the influence of any medication or drug while armed.
 6. Interfering with any law enforcement officer's duties.
 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 8. Loading the permitted firearm with illegal ammunition.
- (b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

211.6.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

211.6.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Chief of Police for any of the following reasons:

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

Bakersfield Police Department

Bakersfield PD Policy Manual

LICENSE TO CARRY A FIREARM

The issuance of a license by the Chief of Police shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Chief of Police as set forth herein.

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

211.6.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Chief of Police for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).
- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

Once the Chief of Police or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

211.7 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the California DOJ:

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license
- (e) The revocation of a license

The Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

Bakersfield Police Department

Bakersfield PD Policy Manual

LICENSE TO CARRY A FIREARM

211.8 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner or judge contained in an application shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

RETIREE CONCEALED FIREARMS

212.1 PURPOSE AND SCOPE

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

212.2 POLICY

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

212.3 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.

212.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

212.3.2 AUTHORIZATION

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

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

RETIREE CONCEALED FIREARMS

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

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

212.4 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).

212.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

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

212.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

Bakersfield Police Department

Bakersfield PD Policy Manual

RETIREE CONCEALED FIREARMS

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

212.4.3 QUALIFIED RETIRED RESERVES

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

212.5 CARRYING FIREARMS OUT OF STATE

Subject to 18 United States Code §926C and Policy Manual §312.8, qualified retired officers of the Bakersfield Police Department may be authorized to carry a concealed weapon in other states. Retired officers wishing to maintain a CCW endorsement while traveling to or residing in another state, must adhere to the provisions in Procedure Manual §220.

- (a) HR 218, the Law Enforcement Officers Safety Act (LEOSA), was enacted July 22, 2004, as Pub. L. 108-277, and is codified as 18 U.S. Code §9268 and §926C.
- (a) The Act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers and amends the Gun Control Act of 1968 (Pub. L. 90-618, 82 Stat. 1213) to exempt qualified current and retired law enforcement officers from state and local laws prohibiting the carrying of concealed firearms.
- (b) It does not exempt current or retired officers from any state or local firearm owner registration laws.
- (c) It is the policy of the Bakersfield Police Department to comply with the Act, under the conditions and provisions in Procedure Manual §220.

212.6 MAINTAINING A CCW ENDORSEMENT WHILE RESIDING IN ANOTHER STATE

In order to maintain a CCW endorsement, retirees must:

- (a) Have successfully passed an annual Bakersfield Police Department background check indicating that he or she is not prohibited by Federal law from receiving or possessing a firearm;
- (b) Not be under the influence of any alcohol or other intoxicating or hallucinatory drug or substance while carrying or otherwise in possession of a firearm; and
- (c) Have, during the most recent 12-month period, successfully passed the standards for training and qualification for active law enforcement officers to carry firearms in their primary state of residence.

On request, qualified retired law enforcement officers of the Bakersfield Police Department who do not reside in this state, and who have successfully passed this state's standards for _____ and

Bakersfield Police Department

Bakersfield PD Policy Manual

RETIREE CONCEALED FIREARMS

qualification for active law enforcement officers to carry firearms, will be sent a retirement identification card by mail, that indicates the retired officer is a nonresident of this state and has met all of the conditions in 220.3.

Additionally, retired officers must meet the following criteria:

- (a) Must meet the qualification standards for retired officers of the Bakersfield Police Department, as outlined in the CCW packet;
- (b) Must submit, in acceptable size and format, two recent facial color photographs or a recent digital image; and
- (c) Must submit the Retiree Concealed Firearms Waiver of Liability form which includes the retiree's right thumbprint.

212.6.1 RETIRED BAKERSFIELD POLICE DEPARTMENT OFFICERS LIVING OUTSIDE OF KERN COUNTY

Those officers living outside the City of Bakersfield, who wish to maintain a CCW endorsement, must meet the same requirements as those officers who live within our jurisdiction.

The retired officer must:

- Contact the Bakersfield Police Department Planning, Research and Training Office to request a CCW packet;
- Contact local law enforcement agency of residence or the Bakersfield Police Department Range and schedule a range qualification date; and
- Have the local agency of residence return the required paperwork to the Bakersfield Police Department by mail. **(It is the retiree's responsibility to ensure the paperwork is mailed back to the Bakersfield Police Department.)**

212.7 FORMER OFFICER RESPONSIBILITIES

- (a) A former officer with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.
- (b) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department. [See attachment: BPD Retiree_CCW Waiver 4.28.20.pdf](#)
- (c) Remain subject to all applicable department policies and federal, state and local laws.
- (d) Demonstrate good judgement and character comensurate with carrying a loaded and concealed firearm.
- (e) Subject to Department of Justice arrest notification.

Bakersfield Police Department

Bakersfield PD Policy Manual

RETIREE CONCEALED FIREARMS

212.7.1 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 § 26305):

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

212.8 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.

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

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

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 - 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).

Bakersfield Police Department

Bakersfield PD Policy Manual

RETIREE CONCEALED FIREARMS

1. The decision of such hearing board shall be binding on the Department and the retiree.
 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
 3. The personal and written notification should be as follows:
 - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
 - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
 4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

212.10 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.

Chapter 3 - General Operations

USE OF FORCE

300.1 PURPOSE AND SCOPE

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

USE OF FORCE

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

300.2.1 DUTY TO INTERCEDE

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

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

300.2.2 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.

300.2.3 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 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

USE OF FORCE

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 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

USE OF FORCE

- (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.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.4 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).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

USE OF FORCE

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 A CHOKE HOLD

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

300.3.8 ADDITIONAL RESTRICTIONS

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

Bakersfield Police Department

Bakersfield PD Policy Manual

USE OF FORCE

techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

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

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

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 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.

USE OF FORCE

- (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 USE OF FORCE - CROWD MANAGEMENT

In a crowd control situation, a use of force report may not be required when officers become involved in an incident where force is used to push, move, or strike individuals who exhibit unlawful or hostile behavior and who do not respond to verbal directions by the police. This applies only to officers working in organized squad and platoon sized units directly involved in a crowd control mission. Additionally, should force be utilized under these circumstances, officers shall notify their immediate supervisor of the use of force once the tactical situation has been resolved. A Use of Force Report is required per 300.6 when an officer becomes involved in an isolated incident with an individual during a crowd control situation, which goes beyond the mission of the skirmish line. The supervisor shall report the actions on an incident report or as directed by the Incident Commander.

300.6 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.

300.6.1 NOTIFICATION TO SUPERVISORS

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

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

USE OF FORCE

- (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.

300.6.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.7 MEDICAL CONSIDERATION

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 he/she can be medically assessed.

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

USE OF FORCE

300.8 SUPERVISOR RESPONSIBILITY

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

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

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

300.8.1 WATCH COMMANDER RESPONSIBILITY

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

300.9 TRAINING

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

Bakersfield Police Department

Bakersfield PD Policy Manual

USE OF FORCE

Subject to available resources, the Training & Logistics Division Lieutenant 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/deputies] who are the subject of a sustained use of force complaint.

300.10 USE OF FORCE COMPLAINTS

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

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

HANDCUFFING AND RESTRAINTS

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

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

301.3 USE OF RESTRAINTS

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

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

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

301.3.1 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.

301.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

HANDCUFFING AND RESTRAINTS

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

301.3.3 RESTRAINT OF JUVENILES

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

301.3.4 NOTIFICATIONS

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

301.4 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.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs shall 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, should 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.

301.5 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.

HANDCUFFING AND RESTRAINTS

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 capicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

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

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

301.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officers arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

HANDCUFFING AND RESTRAINTS

- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 REQUIRED DOCUMENTATION

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

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

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

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

301.9 TRAINING

Subject to available resources, the defensive tactics coordinator 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

HANDCUFFING AND RESTRAINTS

CONTROL DEVICES AND TECHNIQUES

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.2.1 SPECIFICATIONS

Officers are issued a 29" wood baton for patrol use and a 42" wood baton for crowd control. Other straight batons may be authorized for patrol use by the Training Lieutenant or authorized designee; however, they are not provided and must be purchased and maintained at the officer's expense. The department will not reimburse an officer for the cost of a personally-owned baton broken or damaged in the course of employment. Officers shall seek approval for any brand not specified below prior to any purchases, as the department will not reimburse an officer for any baton not authorized.

(a) Wood straight batons shall be of a solid dark hardwood and in good repair. The surface must be smooth, without holes or grooves, and the ends are to be rounded. The baton shall be 29" in length and 1-1/4" or 1-1/8" in diameter. The maximum weight of a wood baton shall be 32 ounces. The baton may be laser engraved with the officer's name or badge number but shall have no additional markings or designs.

(b) Collapsible straight batons shall be 26" or 29" when fully extended and a maximum of 1-1/4" in diameter. The collapsible baton must be black in color, with a textured matte or machine foam grip. The baton shall be straight, in good repair, and shall function as designed. It shall have no attachments, electronic devices, or chemical agents attached or installed. The baton may be of the "auto-lock" design. Officers shall make no modifications from the manufacturer's original design, except that it may be marked with the officer's name or badge number. The maximum weight of a collapsible baton shall be 32 ounces. Previously approved collapsible baton manufacturers include ASP, Monadnock, Winchester, Casco and Peace Keeper.

302.3 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 AND TECHNIQUES

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.

302.4 RESPONSIBILITIES

302.4.1 WATCH COMMANDER RESPONSIBILITIES

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

302.4.2 TRAINING OFFICE RESPONSIBILITIES

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

302.4.3 USER RESPONSIBILITIES

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

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

302.4.4 AUTHORIZED CHEMICAL AGENTS

No officer shall carry or use while on duty any chemical agent not issued by the Department.

302.5 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 under the totality of circumstances 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.

302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Civil Disturbance Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all

CONTROL DEVICES AND TECHNIQUES

conditions known at the time and determining that such force reasonably appears justified and necessary.

Fire personnel shall be summoned to the area to stage to respond if necessary to control any fires and to assist in providing medical aid or gas evacuation, if needed.

302.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

302.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plain-clothed 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.

302.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

302.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers shall 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. In the event of a homeowner or tenant complaining of damage, the on scene supervisor or designee shall provide the complainant with a Risk Management Card and the applicable case number. The handling officer or supervisor should notify the City of Bakersfield Risk Manager if it is suspected there will be a damage claim filed.

302.8.1 SAFETY PROCEDURES

Shotguns designated for the use of kinetic energy projectiles will be specially marked as such.

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

302.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

CONTROL DEVICES AND TECHNIQUES

302.9.1 DEPLOYMENT AND USE

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

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

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

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

302.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the

CONTROL DEVICES AND TECHNIQUES

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

302.9.3 SAFETY PROCEDURES

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

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

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

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

302.10 TRAINING FOR CONTROL DEVICES

The Training & Logistics Division Lieutenant 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.

302.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

CONDUCTED ELECTRICAL WEAPON (C.E.W.)

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

303.2 POLICY

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

303.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device. Officers must certify annually for any updated TASER guidelines.

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

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

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

When carried while in uniform officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

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

303.4 VERBAL AND VISUAL WARNINGS

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

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

CONDUCTED ELECTRICAL WEAPON (C.E.W.)

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

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

303.4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE

The application of the TASER is likely to cause intense, but momentary, pain. As such, officers should carefully consider and balance the totality of circumstances available prior to using the TASER including, but not limited to, the following factors:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or the reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

303.4.2 APPLICATION OF THE TASER

Authorized personnel may use the TASER when circumstances known to the officer at the time indicate that such application is reasonable to control a person in any of the following circumstances:

- (a) The subject is violent or physically resisting.
- (b) A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself or others.

CONDUCTED ELECTRICAL WEAPON (C.E.W.)

1. When practicable, the officer should give a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply.
 2. The officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the officer, the subject or others.
- (c) Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from a pursuing officer shall not serve as good cause for the use of the TASER to apprehend an individual.

303.4.3 TARGETING CONSIDERATIONS

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

303.4.4 MULTIPLE APPLICATIONS OF THE TASER

If the first application of the TASER appears to be ineffective in gaining control of an individual and if circumstances allow, the officer should consider the following before additional applications of the TASER:

- (a) Whether the probes or darts are making proper contact.
- (b) Whether the application of the TASER is interfering with the ability of the individual to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the TASER on an individual.

303.4.5 REPORT OF USE

All TASER discharges shall be documented in the related arrest/crime report by the arresting officer or the Taser operator. Accidental discharges of a TASER cartridge will also be documented.

The onboard TASER memory can be downloaded through the data port by a Taser instructor. Photographs of probe sites will be taken.

303.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling

CONDUCTED ELECTRICAL WEAPON (C.E.W.)

most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

303.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report and the TASER device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

303.7 MEDICAL TREATMENT

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

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

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

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

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports.

Bakersfield Police Department

Bakersfield PD Policy Manual

CONDUCTED ELECTRICAL WEAPON (C.E.W.)

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

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

303.8 TRAINING

In addition to the initial department approved training required to carry and use a TASER, any personnel who have not carried a TASER as a part of their assignment for a period of six months or more shall be recertified by a department approved TASER instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Planning, Research, and Training Lieutenant.

The Planning, Research, and Training Lieutenant should ensure that all training includes the following:

- (a) A review of this policy.
- (b) A review of the Bakersfield Police Department Use of Force Policy.
- (c) Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest and groin.
- (d) De-escalation techniques.

OFFICER-INVOLVED SHOOTINGS

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which an officer is involved in a shooting at another human being. The intent of this policy is to ensure that such incidents be investigated with the utmost thoroughness, professionalism and impartiality to determine if the officer's actions conform with the law and this agency's policy on the use of force. Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

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 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.

304.3 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). Interagency officer involved lethal force incidents will be handled per the Kern Chief's Association protocol.

The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

304.3.1 BAKERSFIELD POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Bakersfield Police Department is responsible for both the criminal investigation of the suspect's actions, as well as the administrative investigation of the officer involved shooting incident.

304.3.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Bakersfield Police Department is responsible for the criminal investigation; however, may defer the criminal investigation to the agency having authority over the involved officer(s). The involved officer's employing agency will be responsible for the administrative investigation of the officer(s) actions.

OFFICER-INVOLVED SHOOTINGS

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

304.3.3 BAKERSFIELD POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency in which the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency, however, may relinquish its criminal investigation of the suspect(s) to another agency.

The Bakersfield Police Department will conduct the administrative investigation of the officer(s) actions.

304.4 THE INVESTIGATION PROCESS

The following procedures are guidelines to be used in the investigation of an incident in which an officer is involved in a shooting at another human being.

304.4.1 RESPONSIBILITIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- a. Ensure the safety of officers, civilians, and suspects.
- b. Ensure appropriate medical aid is obtained for injured individuals.
- c. Obtain a Public Safety Statement from the involved officer(s). 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. The supervisor shall document the officer's Public Safety Statement in a police report.
 1. If necessary, the supervisor may administratively order any BPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
- d. Take command of and secure the incident scene until properly relieved by another supervisor or other assigned personnel or investigators.
 1. Coordinate a perimeter or pursuit of suspects.
 2. Coordinate attempts to locate and identify witnesses to the incident. Potential witnesses should be asked to remain at the scene and wait the arrival of investigators. Should it be necessary for officers to interview witnesses, these interviews shall be recorded. In the event the interview cannot be recorded, the officer shall completely detail the interview and reason the interview was unable to be recorded.
 3. As soon as practical, the involved and witness officers should be transported to the police station. If officers are removed they should be accompanied by an uninvolved officer who will remain with the officer(s), at all times, until relieved by a supervisor.
 4. Officers shall maintain control of their weapons unless a criminal act is suspected.

OFFICER-INVOLVED SHOOTINGS

5. Do not give policy opinions to involved officers regarding the shooting incident. Supervisors should attempt to be supportive and reassuring without providing opinions regarding tactics or use of force policies.
 6. Admonish involved officers and witness officers not to discuss the incident except with authorized personnel or representatives.
 7. Admonish involved officers not to unload, reload, or manipulate their weapons.
- e. Establish a command post if necessary.
 - f. Assign an officer to initiate a crime scene/incident scene log. This log should also include medical personnel, fire personnel, coroners, and assistants.
 - g. If an officer is injured, ensure the officer is accompanied to the hospital.
 1. Ensure the OIC is notified.
 2. Ensure the clothing of the injured officer is seized.
 - h. If a suspect is injured, ensure that an officer accompanies them to the hospital.
 1. If the suspect's injuries are life threatening, instruct the officer to obtain a recorded dying declaration. If the suspect's injuries are not life threatening, instruct the officer not to interview the suspect but to take detailed notes of any voluntary statements.
 2. Ensure the officer obtains all the suspect's clothing and medical information including the attending physician's name and treatment provided.
 - i. Ensure the scene is secured and evidence is maintained in the original location.
 1. If the evidence has to be seized, notify the investigators and do not replace it.
 2. If a police vehicle was directly involved in the incident the vehicle should be maintained in it's at rest position. Should it become necessary to move the vehicle, for instance to allow access for medical personnel, mark the vehicle's position and note the condition of the vehicle's lighting equipment.
 - j. Conduct a briefing and walk through of the scene for the criminal and administrative investigators.

304.4.2 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting, the Watch Commander shall be responsible for the initial coordinating of all aspects of the incident. The Watch Commander shall ensure proper notification has been made per the Bakersfield Police Department Notification Matrix.

If the officer has been shot or injured, the Watch Commander shall ensure the following:

- (a)
 1. An officer accompanies and then remains with the injured officer at the hospital.
 2. The injured officer's family is notified in person and if possible, by their requested notifier.

Bakersfield Police Department

Bakersfield PD Policy Manual

OFFICER-INVOLVED SHOOTINGS

3. Provide the injured officer's family with transportation to the hospital or where needed.
4. Assign an officer to the family for security, support, and control of the media or visitors.
5. Notify the Peer Support Supervisor to assist with family issues.
6. Ensure the media is addressed.

All outside inquiries about the incident shall be directed to the Watch Commander or Public Information Officer.

As soon after the incident as is practical, the watch commander on duty at the time of the incident is responsible for conducting an after action review with appropriate staff. The after action review should summarize the chronology of the critical incident as well as an analysis of the tactics, equipment, communication and level of organizational preparedness. The goal is to examine the organizational response, to provide lessons learned and to encourage continuous improvement in organizational and individual performance. That information should then be disseminated department wide.

304.4.3 INVOLVED OFFICERS

Officers involved in a shooting incident shall take the appropriate measures to ensure their safety and once the scene is stabilized, to preserve evidence essential to the investigation.

Involved officers will notify a supervisor and request additional officers respond to assist. Involved officers will also ensure, if needed, that medical aid is immediately requested. Should the involved officer(s) become unable to accomplish these tasks, witness officers or the first arriving officers on the scene shall take responsibility for these actions.

Officers on scene should handcuff the suspect, even if the suspect is severely wounded. It is in the officer's best interest to have the suspect handcuffed as this action will prevent further involvement by the suspect whose extent of injuries are yet to be determined. If additional suspects are present they should be separated. If there are outstanding suspects, information should be relayed to responding units and a perimeter established.

Once the tactical situation is resolved, involved officers and witness officers should holster their weapons and secure them in place as evidence. Long guns should be secured in their appropriate rack or in the trunk of a vehicle. Do not open or reload the weapon or remove shell casings. Any additional handling of the weapon could result in contamination or loss of evidence, or give the appearance of tampering with the weapon's ballistic characteristics.

Officers should coordinate the arrival of responding units and establish a perimeter for scene preservation. Evidence should only be moved if it presents a hazard or if there is a potential for its destruction. If tactically safe, leave all evidence in its original location until the arrival of investigating officers. If evidence is seized prior to the arrival of the investigating officers, it should

Bakersfield Police Department

Bakersfield PD Policy Manual

OFFICER-INVOLVED SHOOTINGS

first be marked in the location from where it was obtained and photographed. Once evidence has been picked up or seized, secure it and do not replace it. When seizing evidence, officers should be cognizant of the need to preserve fingerprints and/or other forms of physiological evidence. A crime scene/incident scene log should be started as soon as practical.

Officers on scene should survey the entire area for relevant facts and note individuals who are present or who are departing the scene. An attempt to locate and identify witnesses to the shooting should be undertaken as soon as possible with potential witnesses being asked to remain at the scene for the investigators.

Under circumstances where the suspect(s) have evaded capture and sufficient officers have arrived on scene to conduct a search, involved officers and witness officers should not engage in this search.

Involved officers should be prepared to briefly describe the incident to a responding supervisor (Public Safety Statement). 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.

Involved officers and witness officers should remain on scene until directed otherwise by the on scene supervisor. Involved officers and witness officers should be transported to the police station as soon as practical. Involved officers and witness officers should be accompanied by an uninvolved officer at all times until relieved by a supervisor.

Involved officers and witness officers are not to discuss the incident except with authorized personnel or representatives.

The following shall be considered for the involved officer(s):

- (a) Any request for legal representation will be accommodated.
- (b) Discussions with licensed attorneys will be considered privileged as attorney client communications.
- (c) Discussions with departmental (e.g., association) representatives will be privileged only as to the discussion of noncriminal information (Government Code § 3303(i)).
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any affected officer upon request.

1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved officers 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

OFFICER-INVOLVED SHOOTINGS

e. Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such and peer counselors are cautioned not to discuss the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g., blood, fingerprints, etc.) until investigators or lab personnel can properly retrieve it.

Investigators shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

An off duty officer involved in a shooting incident should comply with all of the above. If the involved officer is in another jurisdiction, the officer shall immediately notify the local law enforcement agency and while remaining cognizant of their individual rights, cooperate with the other agencies criminal investigation. Additionally, as soon as practical, officers must notify the Watch Commander at the Bakersfield Police Department.

Each involved officer shall be given reasonable paid administrative leave following an officer involved shooting and it shall be the responsibility of the Internal Affairs Lieutenant to make schedule adjustments to accommodate such leave. Whenever an officer is involved in an officer involved shooting, the involved officer will attend a fitness for duty evaluation/debriefing with a department approved psychologist or mental health professional. This mandatory session will be scheduled as soon after the incident as is practical.

304.4.4 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigation Division duty sergeant and detectives assigned to the Robbery/Homicide detail to handle the criminal investigation into the actions committed by the suspect(s).

It shall be the responsibility of the Internal Affairs duty supervisor and Internal Affairs detectives to handle the administrative investigation into the actions of the officer(s).

304.4.5 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Watch Commander, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the media unless authorized by the Chief of Police or a Division Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the criminal investigation.

OFFICER-INVOLVED SHOOTINGS

304.4.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

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

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

304.5 CRIMINAL INVESTIGATION

The role of the Investigations Division detectives will be to investigate the underlying criminal act (i.e. robbery, murder, assault with a deadly weapon). If a criminal act is detected on the part of the officer, the commission of this act would be investigated by the Investigations Division.

The criminal investigators will have the responsibility of conducting a thorough crime scene investigation. The investigation shall include utilizing departmental resources, such as the crime lab, to thoroughly document and seize items of evidentiary value. Criminal investigators shall also insure that a detailed search is conducted for witnesses to the incident with all civilian witnesses being interviewed and recorded.

The criminal investigators shall liaison with the administrative investigators and will maintain the integrity of the shooting scene until the scene is released into the control of the Administration Division detectives.

Criminal investigators will provide involved officers with an opportunity to present a voluntary statement and to be interviewed. The following shall be considered for the involved officer:

- (a) Supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult with a representative of his or her choosing or an attorney, prior to speaking with criminal investigators.
- (c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

304.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, the Department will also conduct an administrative investigation. This administrative investigation will be completed to determine the officer(s) conformance with department policy, as well as to gather evidence to be used in any civil litigation. The investigation will be conducted under the supervision of the Internal Affairs Detail and will be accomplished in accordance with the Police Officer

Bakersfield Police Department

Bakersfield PD Policy Manual

OFFICER-INVOLVED SHOOTINGS

Procedural Bill of Rights (Government Code 3300) and be considered a confidential officer personnel file. Upon completing their crime scene investigation Internal Affairs personnel shall respond to the police department to monitor and/or conduct interviews with witness officers and involved officers. Interviews of members shall be subject to department policies and applicable laws.

Any officer involved in a shooting 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.

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.

- (a) 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 or her prior statement before proceeding with any subsequent interview(s). (Government Code § 3303(g))

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.

- (a) 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.
- (b) If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. (Government Code § 3303(i)) 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))
- (c) Administrative interviews should be recorded by the investigator. (The officer may also record the interview.) Government Code § 3303(g))
- (d) 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. (Government Code 3303(e) The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
- (e) The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Critical Incident Review Board, which will restrict its findings as to whether there was compliance with department policy and legal requirements.

Bakersfield Police Department

Bakersfield PD Policy Manual

OFFICER-INVOLVED SHOOTINGS

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

304.7 CIVIL LIABILITY RESPONSE

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

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

304.8 REPORTING

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

OFFICER INVOLVED CRITICAL INCIDENTS

305.1 PURPOSE AND SCOPE

The purpose of this policy is to identify those incidents considered by the Bakersfield Police Department to be Officer Involved Critical Incidents and to establish protocols for the investigation and reporting of these types of circumstances.

305.2 POLICY

It is the policy of the Bakersfield Police Department to investigate all incidents involving its officers and employees thoroughly and professionally without bias or favoritism. The Bakersfield Police Department will conduct complete, thorough and comprehensive investigations of these incidents to determine if officers and employees acted legally, ethically, and within policy.

305.2.1 DEFINITIONS

Critical Incidents - For purposes of this policy, a Critical Incident is defined as any event or circumstance in which direct police action or activity results in the significant injury or death of any person including police personnel. This includes, but is not limited to: all shootings by an officer or employee at another human being, vehicle accidents, vehicle pursuits involving serious injury or death to any person, in-custody deaths, applications of police force, or any other event which could reasonably be expected to result in a significant liability exposure for the Police Department or the City of Bakersfield.

Critical Incident Investigation Team - This team conducts the administrative investigation of Critical Incidents. Generally, it will consist of personnel from the Internal Affairs Section; however, in the event of traffic accidents or other incidents of a specialized nature, the Investigation Team may consist of, or be supplemented by, personnel from that discipline.

Critical Incident Review Board - This Board is appointed by the Chief of Police to review Critical Incidents. It is generally comprised of the Division Commanders and Assistant Chiefs of Police; however, in the event of incidents of a specialized nature, the board may be supplemented by personnel from that discipline

305.3 PROCEDURE

Whenever any incident occurs that may meet the definition of a Critical Incident, the Officer in Charge (OIC) shall be notified as soon as possible. This notification is required whether or not the officer or employee is on or off duty, and regardless of the jurisdiction in which the incident occurs. The OIC will notify the Duty Captain/Chief who will determine the need for a Critical Incident Investigation.

Depending on the circumstances, the officer or employee may be relieved from field duty until the investigation has been completed. This is not to be considered a disciplinary action.

Whenever an officer or employee is involved in a Critical Incident which results in significant injury or death of a human being, or a firearm discharge which results in any injury to a human being, the

OFFICER INVOLVED CRITICAL INCIDENTS

involved officer or employee will attend a fitness for duty evaluation/debriefing with a department approved psychologist or mental health professional. This mandatory session will be scheduled as soon after the incident as is practical.

As soon after the incident as is practical, the watch commander on duty at the time of the incident is responsible for conducting an after action review with appropriate staff. The after action review should summarize the chronology of the critical incident as well as an analysis of the tactics, equipment, communication and level of organizational preparedness. The goal is to examine the organizational response, to provide lessons learned and to encourage continuous improvement in organizational and individual performance. That information should then be disseminated department wide.

305.4 CRITICAL INCIDENT REVIEW PROCESS

Upon completion of an investigation of a Critical Incident, the results will be submitted to the Critical Incident Review Board for review and recommendation. The Board will convene as soon as is practical after the investigation is complete. Recommendations of the Board will include a determination of whether or not the incident under review was within departmental policy, and within appropriate limits prescribed by law. The Board's findings will include one of the following:

1. Within department policy, within legal requirements.
2. Not within department policy, but within legal requirements.
3. Not within department policy, not within legal requirements.

The Critical Incident Review Board will submit a recommendation to the Chief of Police for a final determination. The Chief of Police is not bound by the recommendation of the Board, and may make a final determination that does not concur with the recommendation of the Critical Incident Review Board. The Board may also consider training issues and procedures employed in the incident to determine future training needs and best practices to be recommended to the Chief of Police.

The review of the incident will not be considered complete until final determination of the Chief of Police.

FIREARMS

306.1 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.

306.2 POLICY

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

306.2.1 GLOCK MOUNTED LIGHT

Officers will be authorized to carry a mounted light on their duty weapons only after attending the Weapon Mounted Light class. Only the listed lights and equipment are authorized by the Department.

Surefire X300 and the Surefire X300 Ultra Weapons Light

Surefire DG-11 pressure pad

Safariland 6280-836-81 Right Hand Duty Holster

Safariland 6280-836-82 Left Hand Duty Holster

Safariland 6004-836-121 Right Hand Drop Leg Holster

Safariland 6004-836-122 Left Hand Drop Leg Holster

Safariland 6005-836-121 Right Hand Quick Release Drop Leg

Safariland 6005-836-122 Left Hand Quick Release Drop Leg

Streamlight TLR1

Safariland 6280-832-81 Right Hand Duty Holster

Safariland 6280-832-82 Left Hand Duty Holster

Safariland 6004-832-121 Right Hand Drop Leg Holster

Safariland 6004-832-122 Left Hand Drop Leg Holster

Safariland 6005-832-121 Right Hand Quick Release Drop Leg

Safariland 6005-832-122 Left Hand Quick Release Drop Leg

Bakersfield Police Department

Bakersfield PD Policy Manual

FIREARMS

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

306.3.1 HANDGUNS

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

MAKE	MODEL	CALIBER
Glock	17	9 mm
Glock	19	9 mm
Glock	26	9 mm

306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington Model 870, 12 gauge.

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

306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt M4 LE 6933 AR15. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
Colt	AR15-A2	5.56
Colt	AR15-A3	5.56

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

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

FIREARMS

- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

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

306.3.4 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.

306.3.5 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) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (c) 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.
- (d) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) 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.
- (f) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification

FIREARMS

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

- (g) 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.

306.3.6 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.
 - 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 badges and Bakersfield Police Department identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

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

FIREARMS

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

306.4 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.

306.4.1 REPAIRS OR MODIFICATIONS

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

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

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

306.4.2 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.

306.4.3 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.

306.4.4 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.

306.5 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

FIREARMS

- (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 should not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all 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.

306.5.1 INSPECTION AND STORAGE

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

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

306.5.2 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).

FIREARMS

306.5.3 STORAGE IN VEHICLES

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

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

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

306.5.4 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.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members below the rank of Lieutenant who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. Lieutenants and above will qualify twice a year. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

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

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

Sworn members who fail to qualify on their first shooting attempt will be rescheduled by their supervisor for a second attempt. Members who fail to qualify on their second attempt will be removed from field assignment and be required to attend 8 hours of remedial training or until proficiency is demonstrated. The member will then be given a third attempt to qualify, and if the member fails to meet minimum standards on this attempt the member may be subject to disciplinary action.

306.7 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 Shooting 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:

FIREARMS

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

306.7.1 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, TASER® device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.7.2 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. Personnel should contact an on duty or on call Animal Control Officer to respond to the scene if it is determined that euthanasia is deemed necessary.

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).

306.8 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 & Logistics Division Lieutenant 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.

FIREARMS

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 & Logistics Division Lieutenant 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 & Logistics Division Lieutenant.

306.9 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 Bakersfield Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Bakersfield Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Bakersfield Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (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.

Bakersfield Police Department

Bakersfield PD Policy Manual

FIREARMS

- (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.

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

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

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

ARREST APPROVAL PROCEDURE

307.1 PURPOSE AND SCOPE

The following procedure is implemented to establish uniformity and eliminate confusion concerning the arrest approval process within the Bakersfield Police Department.

Approval of an arrest is the process by which the facts and circumstances of an arrest are reviewed and examined to ensure that the necessary and required legal elements are present to justify the arrest.

307.2 POLICY

Arrest approvals will be made by an officer of the rank of Senior Police Officer or higher. It is recognized there will be times when it is not to our advantage to require certain arrests to be approved; therefore, some exceptions are allowed. It should be stressed; however, that arrest approvals will be made by the rank of a senior police officer or higher, unless circumstances direct otherwise.

307.2.1 PROBATIONARY POLICE OFFICERS, LEVEL II AND III RESERVE POLICE OFFICERS

Probationary Police Officers, Level II and III Reserve Police Officers shall have all arrests approved, including arrests for public intoxication and undisputed warrant arrests. This applies to entry level officers as well as those with prior law enforcement experience and/or those employed on a lateral basis.

307.2.2 POLICE OFFICERS AND LEVEL I RESERVE POLICE OFFICERS

Police Officers and Level I Reserve Police Officers do not require approval for public intoxication and undisputed warrant arrests. Police Officers and Level I Reserve Police Officers require approval for all other arrests, unless otherwise directed by their immediate supervisor. Police Officers and Level I Reserve Police Officers may not approve arrests for other officers.

307.2.3 DETECTIVES AND SENIOR POLICE OFFICERS

Detectives and Senior Police Officers require approval by a ranking officer for all PC69, PC148 - delaying, obstructing, resisting arrests, and all felony or misdemeanor assault and battery on a peace officer arrests. All other arrests do not require approval. Detectives and Senior Police Officers may not approve arrests for other officers unless they have been directed to do so by their supervisor.

Any arrest that has unusual circumstances shall be reported to, and approved by a ranking officer.

VEHICLE PURSUITS

308.1 PURPOSE AND SCOPE

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

308.1.1 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, vehicle intercept, or boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming or roadblock procedures.

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.

308.2 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

VEHICLE PURSUITS

308.2.1 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 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.

308.2.2 WHEN TO TERMINATE A PURSUIT

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

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.

VEHICLE PURSUITS

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

308.2.3 SPEED LIMITS

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

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

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

308.3 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.

308.4 PURSUIT UNITS

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

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

VEHICLE PURSUITS

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.

308.4.1 MOTORCYCLE OFFICERS

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

308.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

308.4.3 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

308.4.4 SECONDARY UNIT RESPONSIBILITIES

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

VEHICLE PURSUITS

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

308.4.5 PURSUIT DRIVING

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due 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.

308.4.6 PURSUIT TRAILING

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

VEHICLE PURSUITS

308.4.7 UNITS NOT INVOLVED IN THE PURSUIT

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

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

308.4.8 AIR SUPPORT ASSISTANCE

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

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

308.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

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

VEHICLE PURSUITS

- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Bakersfield Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow up or additional review when appropriate.

308.5.1 WATCH COMMANDER'S RESPONSIBILITIES

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

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

308.6 THE COMMUNICATIONS CENTER

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

308.6.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

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

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

308.6.2 LOSS OF PURSUED VEHICLE

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

VEHICLE PURSUITS

308.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

308.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

308.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

VEHICLE PURSUITS

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.

308.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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

308.8.1 USE OF FIREARMS

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

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

308.8.2 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 containing and capturing the suspects.

308.9 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice

Bakersfield Police Department

Bakersfield PD Policy Manual

VEHICLE PURSUITS

memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:

1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

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.

308.10 APPLICATION OF VEHICLE PURSUIT POLICY

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

OFFICER RESPONSE TO CALLS

309.1 PURPOSE AND SCOPE

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

309.2 RESPONSE TO CALLS

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

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

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

309.3 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 give the following information:

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

309.4 INITIATING CODE 3 RESPONSE

Defined: An emergency vehicle utilizing emergency lights for the duration of the response, and the siren as is reasonably necessary.

Code 3 operation of Bakersfield Police Department vehicles may only be made when there exists a serious danger to human life which may involve one of the following elements:

- A serious public hazard
- A crime of violence in progress

OFFICER RESPONSE TO CALLS

- The prevention of a crime of violence
- An officer needing assistance and immediate aid
- An immediate pursuit

and the distance from the call of responding units requires Code 3 response to make an appreciable reduction in response time.

An officer may initiate a Code 3 response providing one or more of these elements exist or the officer is directed to respond Code 3 by a supervisor.

Officers will not respond Code 3 to an injury accident unless information is provided that major injuries have occurred or rescue is needed. Bakersfield Police officers may transport an injured officer Code 3 to a hospital at his/her discretion. Normally, no other persons will be transported in an emergency vehicle while operating Code 3. The field supervisor or watch commander will review all situations to insure that the Code 3 operation was within the guidelines of this policy.

If Code 3 response is necessary the officer shall:

- (a) Display the red lamp to the front anytime the posted speed limit is exceeded.
- (b) When entering an intersection against a traffic control device or when entering an intersection under other potentially hazardous conditions, display the red lamp and sound the siren as is reasonably necessary. The use of solid or flashing blue lamps absent a red lamp does not qualify the vehicle as an emergency vehicle.
- (c) At other times when responding to an emergency call with the red lights displayed, sound the siren as may be reasonably necessary under the circumstances.
- (d) When "clocking" a traffic violator, it is not normally necessary to use red lights prior to effecting the actual traffic stop, however, emergency lights shall be used when the speeds increase to a point where it is unsafe to clock the violator. This is not considered a Code 3 response.

309.5 RESPONSIBILITIES OF RESPONDING OFFICERS

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

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

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

OFFICER RESPONSE TO CALLS

309.6 SUPERVISORY RESPONSIBILITIES

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

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

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

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

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

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

309.7 FAILURE OF EMERGENCY EQUIPMENT

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

CANINES

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of a canine to augment police services provided to the community including, but not limited to, tracking and searching of suspects to locate or apprehend, or missing persons, conducting building searches, detection of narcotics or explosives, all in the continued effort to protect the lives and property of the people we serve.

310.2 POLICY

It is the policy of the Bakersfield Police Department that teams of canine handlers and canines meet at regularly scheduled intervals and maintain an appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

Each canine team shall be trained in the "bark-and-hold" method. "Bark-and-hold" is not a deployment term. The term is the training method the Canine Unit utilizes. Under a "bark-and-hold" method a properly trained and maintained canine may provide stronger alerts on inaccessible suspects and increase officer safety. Our canines will only be deployed in situations where a bite or other physical contact is reasonable based on the totality of the circumstances and our deployment policy. Based on our training, it is possible that if a suspect is accessible during a deployment and does not move, attempt to escape or take aggressive action toward the canine, the canine handler, or others, the canine may contain (hold or guard) the suspect and bark as an alert to the canine handler, potentially providing the canine handler an opportunity to recall the canine without any physical contact with the suspect until the suspect is taken into custody by officers. However, the "bark-and-hold" training does not guarantee that a suspect will not be bitten by the canine as circumstances may rapidly change.

310.3 RESPONSIBILITIES OF NON-HANDLERS

Personnel should not attempt to pet or interact with a canine unless the canine handler is present. Department personnel are prohibited from teasing, agitating, or abusing canines. Department personnel are prohibited from working or handling canines without prior approval from a Canine supervisor or authorized designee. When a canine team is being utilized, non-handlers should follow the directions of the canine handler when working around the canine in order to prevent injury. In the event that a canine handler is injured and unable to command their canine, there is a high probability that the canine may aggressively guard the canine handler. Non-handler officers shall consider the following when evaluating their response to the situation:

- (a) Ask the canine handler for instructions.
- (b) If the canine handler is unable to provide guidance, request the assistance of another canine handler or canine supervisor.
- (c) Do not rust the canine handler or canine.

CANINES

(d) If the canine handler is unable to assist, move the canine handler's vehicle to a position as close as possible to the canine handler and canine. If the canine listens to instructions from the non-handler, the non-handler should open the caged area door to the canine handler's vehicle and instruct the canine to load.

(e) After the canine is secure, another canine handler or canine supervisor will transport the canine to the canine handler's residence, the canine facility, or to the residence of another canine handler for safe keeping.

310.4 ASSIGNMENT

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

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

310.5 CANINE COMMANDER

The Canine Commander has managerial oversight of the Canine Unit. These managerial responsibilities include, but are not limited to unit policy development and oversight, budget oversight, training, and other managerial duties as assigned. The Canine Commander is appointed by the Operations Commander and will hold the rank of lieutenant.

310.6 CANINE SUPERVISOR

The canine supervisor shall be appointed by and directly responsible to the Canine Commander or the authorized designee. The responsibilities of the supervisor include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program
- (b) Maintaining liaison with the vendor kennel
- (c) Maintaining liaison with command staff and functional supervisors
- (d) Maintaining liaison with other canine supervisors
- (e) Maintaining accurate records to document canine activities
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines
- (g) Scheduling all canine-related activities
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities
- (i) Quarterly audits of narcotics and explosive training aids

CANINES

(j) Attend canine training on a regular basis to ensure the canine team are functioning to standard.

310.7 LEAD TRAINER

The Lead Trainer will be appointed by the Canine Commander. The Lead Trainer's responsibilities include, but are not limited to:

- (a) Reviewing all canine deployment reports to ensure compliance with policy and identify training needs or other needs of the canine program.
- (b) Maintain liaison with the vendor kennel.
- (c) Maintain accurate recordings that document canine unit activities.
- (d) Recommend and oversee the procurement of equipment and services for the canine teams.
- (e) Schedule all canine related activities and training.
- (f) Ensure the canine teams are schedule for regular training to maximize their capabilities.
- (g) Schedule and manage canine academies and monthly canine maintenance training.
- (h) Identify deficiencies within a canine team and develop and implement corrective action training.
- (i) Maintain the canine training facilities.
- (j) Assign public canine demonstrations and attend on a regular basis to evaluate canine handler and public interactions.

310.8 REQUEST FOR CANINE TEAMS

Operations and Investigations Divisions personnel are encouraged to request the use of a canine. Requests for a canine team from department units, which will remove the canine team for known extended periods during a canine team's duty hours, should be approved by the Watch Commander.

310.8.1 OUTSIDE AGENCY REQUEST

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

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out of off-duty canine teams require approval of, and notification of a canine sergeant or Canine Commander and the Watch commander.
- (d) It shall be the responsibility of the canine handler to coordinate joint operations with outside agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports related to the canine's use, or as directed by a canine sergeant and/or Watch Commander.

CANINES

(f) A cover officer shall be dispatched with the canine handler and canine.

310.8.2 PUBLIC DEMONSTRATIONS

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

310.9 APPREHENSION GUIDELINES

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

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

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

310.9.1 PREPARATION FOR DEPLOYMENT

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

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

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

CANINES

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

The canine handler shall coordinate control of the tactical environment to ensure an effective containment is in place and any necessary resources such as less-than-lethal devices are present.

A sergeant or designee may prohibit deployment of the canine.

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

310.9.2 WARNINGS AND ANNOUNCEMENTS

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

In the event of an apprehension, the canine handler shall document in any related report how the warning was given and, if none was given the reasons why.

Exigent circumstances - no warning

In exigent circumstances, the canine handler may request authorization from an on-scene supervisor (or when there is no supervisor on-scene, from the on-duty watch commander) to refrain from giving a search announcement and warning - but should only do so upon careful consideration of the tactical consequences and the risks posed to officer, the suspect and the community.

310.9.3 DIRECTED CANINE BITE

There are circumstances when a canine handler may direct his/her canine to bite the suspect as a reasonable force option in order to secure the suspect and safely take him/her into custody when no reasonable alternative exists and the suspect is actively resisting, combative or is attempting escape.

A canine handler's decision to direct a bite must be based on the facts known to the canine handler at the time the bite is directed; and will be assessed using the standards of objective reasonableness consistent with the Department's Use of Force Policy;

The canine handler shall consider:

- The severity of the involved crime(s) known at the time of deployment
- Whether the suspect poses an immediate threat to the safety of officers or others

CANINES

- Whether the suspect is actively resisting arrest, attempting to evade arrest or attempting to escape

Additionally, when tactically feasible and when time allows, the canine handler should consider the following information:

- Other available force options and their likely effectiveness
- Approximate apparent age of the suspect
- Degree of any apparent intoxication
- Degree of any apparent mental illness or impairment
- Degree of any apparent disability or visible injury
- Known proximity of weapons or dangerous improved devices
- Potential for injury to officers, suspects and others
- Any other exceptional or exigent circumstances

Directed bite - warning

When feasible, the canine handler should make a reasonable effort to verbally warn the suspect that a canine will be released and will bite - and allow time for the suspect to comply. The directed bite warning does not have to be given when the officer or another is being attacked, or the suspect actively flees, is combative, resists by assaulting the canine or when other exceptional circumstances exists.

Call off and arrest

Whenever a canine bite occurs, the canine handler shall call his/her canine off or remove the canine from the bite as soon as reasonably possible based on the tactical situation and circumstances.

Additional force options at time of a canine bite

Any additional or subsequent used of force, including less-than-lethal control devices used at the time of the canine bite will be assessed according to the Department's Use of Force policies; each officer using force must independently, clearly articulate their rationale for the use of force at the time the force was employed.

310.9.4 CONTROL OF CANINE

Canine handlers are responsible to exercise and maintain reasonable control over their canine at all times. While not searching or otherwise deployed during a police operation or training, canines should be secured in a canine handler's assigned police vehicle or other appropriate place.

Canine handlers should avoid leaving his/her canine in an unsecured (off lead) down-stay, during any tactical operation, search, suspect/subject contact (i.e. pedestrian contact) or during an arrest; and shall ensure the canine is secured as appropriate during training activities (i.e. between exercises).

CANINES

Because the canine handler has specific responsibilities during a canine operation, absent exceptional circumstances, the canine handler should not become physically involved in any suspect contact or arrest while maintaining control of his/her canine (i.e. using additional force, searching or handcuffing a suspect).

310.9.5 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a sergeant shall be promptly notified and the injuries documented in a canine use report. The canine handler shall also notify a canine sergeant prior to the end of shift or assignment. The canine handler or another officer shall assess the injury and make a determination if emergency medical aid is needed at the scene. The injured person shall be promptly treated at Kern Medical prior to transport to jail.

Any unintended bite or injury caused by a canine, whether on or off-duty, shall be promptly reported to the Watch Commander and a canine sergeant.

If an individual alleges an injury, whether visible or not, a sergeant shall be immediately notified and the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate medical needs of the injured party. Photographs shall be retained as evidence in accordance with department evidence procedures.

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

310.10 NON-APPREHENSION GUIDELINES

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

(a) Absent a change in circumstances that present an immediate threat to officers, the canine or the public, such application should be conducted on -leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a sergeant or designee, assisting officers should take direction from the canine handler in order to minimize interference with the canine.

(c) Throughout the deployment the canine handler should periodically give verbal assurances that the canine will not bite or hurt the individual and should encourage the individual to make him/herself known.

CANINES

310.10.1 ARTICLE DETECTION

A canine trained in article detection may be called upon to assist in locating objects or property related to a person or a crime. A canine article search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.10.2 NARCOTICS DETECTION

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

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during service of a search warrant.
- (c) Using the narcotics-detection canine to develop probable cause and support the issuance of a search warrant.

A narcotics-detection trained canine will not be used to search a person for narcotics.

310.10.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered.

Any request to utilize an explosive detection canine will be made by direction of the Bomb Squad Commander (Lieutenant), Bomb Squad Manager or designee.

An explosive-detection canine team may be used in accordance with current law and under certain circumstances including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where a threat of a bomb has been reported.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (c) Preventative searches at special events, VIP visits, official buildings and other restricted areas.
- (d) To assist in the search of a command post location for secondary devices.
- (e) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
- (f) Refer to Bakersfield Police Department Policy 416: Response to Bomb Calls.

At no time will an explosive-detection trained canine search a known object or item to confirm if it is an explosive or be used to render a suspected device safe.

310.11 CANINE HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) Two years from the date of hire as a Bakersfield Police Officer below the rank of Senior Police Officer, this excludes academy time.

CANINES

- (b) Residing in a adequately fenced, single-family residence (minimum 6-foot high fence with locking gates).
- (c) Living within 60 minutes travel time from the Bakersfield City limits.
- (d) A review of the applicant's personnel file.
- (e) A review of the applicant's work product, including meeting with the applicant's current supervisors and peers from their primary duty assignment.
- (f) A multi stage physical fitness / agility test.
- (g) A minimum evaluation for the past 12 months of at least satisfactory work performance.

310.12 CANINE HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the canine handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The canine handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) Canine handlers shall permit a canine sergeant or canine commander to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the canine handler that may affect the lodging or environment of the canine shall be reported to a canine sergeant or designee as soon as possible.
- (e) Under no circumstances will he canine be lodged at another location unless approved by a canine sergeant or canine commander.
- (f) When off-duty, the canine handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by a canine sergeant or canine commander.
- (g) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the canine handler shall give reasonable notice to a canine sergeant or designee so that appropriate arrangements can be made.

310.12.1 CANINE IN PUBLIC AREAS

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

- (a) A canine shall not be left unattended in ay area to which the public may have access.

CANINES

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

310.13 CANINE INJURY AND MEDICAL CARE

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

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian.

310.14 TRAINING

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

The canine sergeant's or lead trainer shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

All canine training should be conducted while on -duty unless otherwise approved by the Canine Commander.

310.14.1 CONTINUED TRAINING

Each canine team shall re-certify annually to maintain POST, CNCA or other recognized and approved certification standards. Additional training considerations are as follows:

(a) Canine handlers are encouraged to engage in additional training with approval of a canine sergeant.

(b) To ensure that all training is consistent, no canine handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

310.14.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team who fails to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. In the event a canine or canine handler does not perform to established standards during regularly scheduled training or field operations the canine sergeants or lead trainer shall have the authority to reassign the canine or canine handler to training duties until proficiency can be demonstrated.

If at any time it is determined by the canine commander, canine sergeants or designee that a selected canine or canine handler does not meet the requirements of this assignment he/she will be removed from the canine unit.

CANINES

310.14.3 TRAINING RECORDS

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

310.14.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of detection canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposed must comply with federal and state requirements regarding the same. Alternatively, the Bakersfield Police Department may work with outside trainers who possess the applicable licenses or permits.

310.14.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

The Chief of Police or the authorized designee may authorize an officer to seek a court order allowing controlled substances seized by the Bakersfield Police Department to be possessed by the canine handler or a narcotics-detection canine trainer, provided the possession is for training purposes, and the controlled substances are no longer needed as evidence.

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

310.14.6 CONTROLLED SUBSTANCE PROCEDURES

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

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances. Any lost or damaged controlled substance training aids shall be promptly reported to a canine sergeant who will determine if any further action will be necessary
- (c) All controlled substance training samples will be inspected and weighed quarterly. The results of the quarterly audit shall be recorded and maintained by a canine sergeant.
- (d) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (e) Any unusable controlled substance training samples shall be returned to the Property Section or to the dispensing agency.

CANINES

(f) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

310.14.7 EXPLOSIVE TRAINING AIDS

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

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

- (a) All explosive training aids, when not in use, shall be properly stored in a locked, airtight, approved case, inside the canine handler's vehicle or other location authorized by the bomb squad manager, commander or designee.
- (b) Any lost or damaged explosive training aids shall be promptly reported to a canine sergeant and bomb squad manager who will determine if any further action will be necessary.
- (c) All explosive training aids will be provided by the bomb squad manager or designee.
- (d) All explosive training samples will be inspected and weighed quarterly. The results of the quarterly audit shall be recorded and maintained by a canine sergeant.

310.15 CANINE HANDBOOK

The Bakersfield Police Department maintains a Canine Handler Handbook for reference and supplemental guidance to all current canine handlers. The Canine Handler Handbook expands on the Canine Policy, specifically regarding the protocols for canine training, maintenance, equipment, residential requirements, canine care and expenses. The Canine Handler Handbook is not intended to replace or supersede the Canine Policy. Any questions or perceived conflicts arising regarding the Canine Policy and Canine Handler Handbook should be directed to a Canine Unit Sergeant or the Canine Commander.

OPERATIONAL PLAN

311.1 PURPOSE AND SCOPE

The following guidelines set forth the policy and procedure for the completion of an Operational Plan for planned events handled by members of the Bakersfield Police Department. Specific operations may also include a "5 paragraph" order at the direction of the specific operation officer in charge.

The Operational Plan shall be completed for all planned events by members of the Bakersfield Police Department. The completed plan shall be and approved by the supervising sergeant prior to the execution of the planned event.

This form will be a dynamic document and subject to modification. Any modification to the form shall be approved by the Training Section Lieutenant. The Training Section will ensure that the current version of the form is available to all personnel via a shared drive on the Police Department computer system.

311.2 RESPONSIBILITY FOR COMPLETION OF OPERATIONAL PLAN

The responsibility for the completion of the form shall rest with the lead investigator on any particular investigation, special event, or operation. That officer will download a copy of the 6 page form from the division's shared drive to his/her local computer and complete it there. A copy of the completed form shall be uploaded to the Operations Division's shared drive and placed in the folder entitled "Completed Operational Plans". Subfolders based on the year and month will be contained within the main folder.

It will be the responsibility of the officer in charge of the operation to ensure that the completed version of the plan is placed in the proper folder. The completed operational plans shall be retained in accordance with the records retention act.

311.3 OPERATIONAL PLAN EXPLANATION

While most of the Operational Plan is self-explanatory, some explanation is required for specific sections.

311.3.1 APPROVING SUPERVISOR / CASE INFORMATION

The "Approving Supervisor" section shall NOT be typed in. This will be written in by the approving supervisor. The date field shall be the date of the specific operation as opposed to the initiation date of a specific investigation. The case number section will reflect the specific case number for the location of the operation. If there is a master case number, as in the case of a multi-location search warrant execution that will be reflected as such on the face of the Operational Plan.

Bakersfield Police Department

Bakersfield PD Policy Manual

OPERATIONAL PLAN

311.3.2 LOCATION, SUSPECT, VEHICLE, RECORDS SYSTEM, STRUCTURE INFORMATION

In the Location/s block, the location of the specific plan shall be listed. In the event of a multi-location plan, the location reflected in this specific plan shall be listed first. All associated locations shall follow along with specific plans for those locations.

As with the location field, all known suspects for a specific location/operation shall be listed in the Suspect/s block with the primary suspect listed first. If the suspect is not known by name then a description shall be provided.

The same procedure utilized for the Location/s and Suspect/s block shall apply to the Vehicle/s block.

When completing the block regarding the various database checks, mark whether or not the database was checked. If the database was checked then list the results in the notes section. When an operation involves any narcotic related activity (e.g. controlled buy, undercover operation, search warrant service, etc.) notification of WSIN/LA Clear must be made.

311.3.3 CASE INSTRUCTIONS / BACKGROUND

The top half of page 2 is self explanatory. The "Case Instructions/Background" block is an automatically expanding field. The primary investigator shall provide a brief overview of the investigation and an explanation of the goals of the operation. In the event that the Operation Plan is for the service a Search Warrant, the case agent shall identify the items sought by the Search Warrant. Any special instructions related to the Operation should be included in this section.

311.3.4 PERSONNEL, ENTRY PLAN AND ENTRY PLAN APPROACH

All personnel assigned to the Operation shall be listed. If the operation is the service of a warrant then the involved personnel will also be listed on the Entry Plan block. The order of entry as determined during the planning phase of the operation shall be the listed order in this block. The Containment Element block will be used to list the personnel assigned perimeter duty. Specificity as to the areas of containment/perimeter will be identified. The block entitled "Entry Plan Approach" is an automatically expanding field. A detailed explanation of the vehicle path of travel, parking, personnel staging, and foot approach to the location shall be described. The remainder of this page is self explanatory.

311.3.5 CHECKLIST, POINT EVALUATION AND DIAGRAM

Pages 4 and 5 should be completed in all operations and is mandatory for operations involving the execution of arrest and/or search warrants. Each location shall have a "point evaluation" completed as a separate total. The point system is location driven and the points for that specific location are made based on all know facts attributed to that location.

Once all of the points are assigned, the supervising officer shall be responsible for totaling the number and then initially the total. If the total for a specific location ranges from 17 to 24, the detail approving supervisor shall indicate whom he/she consulted with from SWAT. Once consultation with SWAT has been completed, the unit commander of the detail shall be notified and approve

Bakersfield Police Department

Bakersfield PD Policy Manual

OPERATIONAL PLAN

whether SWAT will be utilized or not for this specific operation. Consultation with SWAT shall be made at the team leader level.

Page 6 is a diagram page. If there are questions regarding the form or suggestion to modify the form, contact the narcotics sergeant.

SEARCH AND SEIZURE

312.1 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 Bakersfield Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Bakersfield Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

312.2.1 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:
 - (a) Another officer or a supervisor should witness the search.
 - (b) 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.

312.3 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

SEARCH AND SEIZURE

- 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.

312.3.1 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location
- (b) There is probable cause to believe that the item is linked to criminal activity
- (c) The location of the item can be legally accessed

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

312.3.2 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death
- (b) Serious damage to property
- (c) Imminent escape of a suspect
- (d) The destruction of evidence

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

SEARCH AND SEIZURE

312.4 CONSENT

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. A search by consent is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal).
- Obtained from a person with authority to give the consent.
- Does not exceed the scope of the consent given.

Unless unusual circumstances would not otherwise prevent the use of the Department's Consent to Search form, officers should have the individual read the form, ensure he/she understands it, and provide them with a copy after he/she has signed it.

If unusual circumstances prevent the use of the Consent to Search form, officers should describe such circumstances in related report(s).

While there is no requirement that an individual be told of their right to refuse consent, such a warning and the use of the Consent to Search form provide strong support for the validity of any consent.

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn.

SEARCH WARRANT PREPARATION AND EXECUTION

313.1 PURPOSE AND SCOPE

This policy establishes Bakersfield Police Department policy for the execution of search warrants.

313.2 POLICY

Officers of the Bakersfield Police Department will obtain search warrants when required to do so in the course of their duties. Search warrants shall be executed in a legal manner consistent with department procedures and those of the court with jurisdiction over the location to be searched.

313.2.1 PROCEDURE

The need to employ all of the listed procedural steps will depend on the nature of the investigation and the location of the search. Searches of vehicles, business records, deposit boxes, or locations that pose no reasonable threat to officers may not require the level of preparation recommended for high risk search warrants. With the approval of a supervisor, officers may delete unnecessary procedures.

313.3 PREPARATION OF SEARCH WARRANTS

Officers using Confidential Informants shall comply with the department policy entitled "Informant Policy."

Prior to initiating an investigation that may result in a search warrant for narcotics at a particular location, officers should contact the Narcotics Unit to determine if an investigation is active at that location. If an investigation is active, officers shall contact a supervisor or the case agent on the active case before proceeding.

Any sworn officer of the Bakersfield Police Department may prepare a search warrant and present it to a magistrate. Search warrants should be reviewed and approved by a supervisor prior to taking them before a Magistrate.

Once the search warrant is signed, the assigned officer/ case agent must make a determination as to the manner in which the warrant will be executed based on the facts and circumstances known to him/ her at the time.

In all situations where information indicates a high threat level or special hazards, the supervisor of the case agent shall advise the SWAT Commander of the situation before proceeding.

When there is prior knowledge of a potential vicious animal at the location, precautionary steps should be taken, when possible, to use less than lethal measures to deal with these types of animals. This may include a TASER device, pepper spray, a snare, or when practical, having animal control officers respond to assist.

The supervisor of the officer/case agent obtaining the warrant will insure briefing is conducted prior to the execution of the search warrant. The case agent shall prepare, and his/her supervisor shall

SEARCH WARRANT PREPARATION AND EXECUTION

review, a Bakersfield Police Department operation plan prior to the execution of a search warrant. *Refer to the Operational Plan form located on both the Operations Division and Investigations Division shared drives in the folder titled Operational Plan.*

All officers participating in the execution of the warrant will attend the briefing. Officers not attending the briefing shall not participate in the execution of the warrant.

The supervisor is responsible for the approval of assignments for all personnel assigned to the search warrant service.

All locations to be searched shall be verified before the actual service of search warrants. The affiant shall personally examine and verify the location to insure the accuracy of all information and avoid potential errors.

The assigned officer/case agent will be a member of the entry team and is responsible for compliance with the knock/notice requirements (PC 844).

313.4 SERVICE OF SEARCH WARRANTS

1. Entry Phase: All officers involved in the execution of search warrants shall wear soft body armor. Officers not wearing complete police uniforms shall wear police identifying raid jackets at all times. All raid jackets shall be clearly marked "Police" front and rear.

A Sergeant, or other ranking officer, shall be present during the service of search warrants. He/she is responsible for notifying the Communications Center of the location immediately prior to execution of the search warrant. Once the location is secure, the Communications Center should be so advised. If the search warrant is in another jurisdiction, the Sergeant is responsible for ensuring that every impacted agency is notified.

A minimum of five officers and a Sergeant should be involved in the entry of any particular residential location.

2. Search Phase: While realizing that narcotics can be concealed in most any location, officers should not damage real or personal property in search of contraband without acting on specific information or at the direction of a supervisor. All damage caused by officers during the execution of a warrant shall be photographed and documented in a police report.

In the event that large amounts of U.S currency are located, the on-scene supervisor shall be notified. In those instances, the Narcotic Sergeant(s) should be notified and a Forfeiture Response Team will be directed to the scene. They will take responsibility for the currency, unless other arrangements are agreed upon.

Officers seizing property will list items seized on the "Search Warrant Receipt" form as required by PC1535 and deliver the receipt to the person in charge of the premises or leave it at the scene.

A search warrant must be served within 10 days of being signed by a Magistrate, not including the day the search warrant was signed. A written inventory of property taken or "return to search

Bakersfield Police Department

Bakersfield PD Policy Manual

SEARCH WARRANT PREPARATION AND EXECUTION

warrant" shall be completed and taken to a Magistrate within 10 days after the service of the search warrant (PC 1534).

313.5 ARREST WARRANTS

Officers shall notify a supervisor prior to serving a "Ramey" warrant.

Officers shall provide a copy of the "Ramey" warrant to the Investigations division /warrant officer as soon as possible for entry into the CLETS system per Bakersfield Police Department protocol.

313.6 FORCIBLE ENTRY INTO DWELLINGS

Officers must have reasonable cause to believe the suspect(s) are in the residence before forcible entry is made. Officers should also be aware of a potential third party residence situation where a Steagald (Steagald vs. U.S.) warrant may be needed. Officers shall notify a supervisor when practical prior to making entry.

SHOTSPOTTER

314.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of ShotSpotter technology.

314.2 INTRODUCTION

The ShotSpotter System utilizes audio sensors placed in selected areas to identify the location of gunfire. ShotSpotter immediately relays that information to the Bakersfield Police Department Communication Center, as well as Bakersfield Police Officers' Mobile Data Computers, smartphones, and tablets.

The ShotSpotter System is intended to:

- Improve officer and public safety through accurate and timely information
- Improve community beliefs and expectations on police response to illegal gunfire
- Increase prosecutions for illegal gun possession and use
- Provide useful information to crime analysts and investigators

314.3 POLICY

ShotSpotter technology enhances the Department's ability to respond to the accurate location of gunfire. ShotSpotter activations shall be dispatched as Priority 1 calls in accordance with department policy of the dispatch of crimes in progress involving the use of firearms.

Field Officers shall respond to ShotSpotter activations, apprehend offenders, seize evidence, and attempt to locate witnesses.

Investigators and analysts will use the ShotSpotter System to identify patterns, analyze information, complete follow up, and provide recommendations to the Operations Division.

All public records requests for ShotSpotter information will be handled in accordance with existing public records laws and practice. Special considerations exist in that ShotSpotter data is proprietary to the vendor; therefore, all such requests should be routed to the ShotSpotter Program Manager.

Prior to a ShotSpotter activation, the information has gone through a review process that establishes the likelihood that the information is reliable. As such, all ShotSpotter activations will be treated as an incoming call of "Shots Fired" at a particular location and should be dispatched accordingly.

314.4 COMMUNICATION CENTER RESPONSIBILITIES

The Communication Center Supervisor will ensure at least two personnel will log in and monitor ShotSpotter activations at all times.

Communication Center personnel shall process incoming ShotSpotter information as follows:

SHOTSPOTTER

- Acknowledge and review the incoming information
- Generate a CAD call alert using the call type "SHOTSP"
- Dispatch and/or confirm self-dispatch of appropriate number of field officers, providing the specific location of the incident
- Provide pertinent information to responding units including:
 - Single shooter or multiple shooters
 - Suspect moving and at what speed and direction
 - Additional calls of the incident from reporting parties
 - Confirm a sergeant copied the call
- Upon confirmation of a shooting victim, notify EMS dispatch

Only one tag number should be generated for each ShotSpotter activation. Once the original CAD call is generated, all additional information regarding that call will be entered under the original CAD call.

When practical, The Communication Center LEO, and/or the OIC, should attempt to use incoming ShotSpotter activation information and the public safety cameras to locate suspects/vehicles leaving the scene and broadcast information to responding units.

In instances where victims of gunshots are located within the ShotSpotter boundaries, and ShotSpotter did not notify the Department, the Communication Center will contact ShotSpotter and determine if any activations were received in that area.

314.5 FIELD OFFICER RESPONSIBILITIES

Officers assigned to Operations who have ShotSpotter accounts shall activate the ShotSpotter application on their MDC's at the beginning of each patrol shift and leave it running through the duration of their shift. Officers who receive a ShotSpotter activation while on Patrol may self-dispatch by advising the Communication Center by radio.

Responding officers should take a tactical approach to the call, keeping in mind the shooter may still be on-scene. In formulating their response, officers should take the following into account:

- The severity of the incident (single or multiple shooters, direction and flight of the suspect/s)
- Respond with at least two officers when possible
- Updated information received from witnesses
- When available, request the Air unit
- When appropriate, stage units at possible escape routes

Once on-scene, officers shall handle the situation as established protocols dictate for shooting scenes. Priorities should be:

SHOTSPOTTER

- Identify, locate, and stop the threat posed by the shooter
- Obtain and broadcast any suspect information for responding units
- Request medical aid for victims and render aid until relieved by EMS
- Secure the scene and any evidence
- Attempt to locate witnesses and utilize door hangers at surrounding locations

Unless unfounded, all ShotSpotter activations require the completion of a General Offense Report. The officer handling the G.O. will utilize the ShotSpotter Activation 7000-72 code in addition to any additional offense codes.

314.6 INVESTIGATIONS RESPONSIBILITIES

All General Offense Reports containing the ShotSpotter Activation 7000-72 code will be routed to Investigations. It will be the responsibility of the assigned detective to ensure all follow up has been completed.

314.7 CRIME ANALYSIS UNIT RESPONSIBILITIES

The Crime Analysis Unit (CAU) will be responsible for reviewing all ShotSpotter activations and completing a report for Executive Summary briefings. CAU will identify trends and share that information with the appropriate personnel. In addition, CAU will provide monthly and yearly program updates to include the following:

- The number of founded and unfounded ShotSpotter activations received
- The number of gunfire-related calls reported by the community
- The number of rounds fired, locations, and dates

A summary of significant calls/investigations/arrests initiated or supplemented by ShotSpotter

314.8 NEIGHBORHOOD CANVAS

The ShotSpotter Program Manager, Impact Team Lieutenant, SEU Lieutenant, and Intelligence Officer shall coordinate to ensure that all ShotSpotter activations are reviewed daily. Next-day canvassing should be completed by Impact Officers, SEU Officers, and Community Relations Officers. Follow up should include probation and parole searches when appropriate. All efforts will be documented in a Supplemental Report.

314.9 EXPERT COURT TESTIMONY

ShotSpotter services include expert courtroom testimony. All inquiries regarding testimony from ShotSpotter experts should be referred directly to ShotSpotter or the Program Manager.

314.10 PROGRAM MANAGEMENT

A lieutenant will be assigned as the Program Manager of the ShotSpotter program. The Program Manager will review the monthly and yearly analysis created by the CAU and present it to

Bakersfield Police Department

Bakersfield PD Policy Manual

SHOTSPOTTER

the Chief of Police. The Program Manager will ensure all new field employees, power users, and Telecommunications personnel have received training. The Program Manager will be the department point of contact for the vendor.

TEMPORARY CUSTODY OF JUVENILES

315.1 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 Bakersfield Police Department (34 USC § 11133).

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

315.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

TEMPORARY CUSTODY OF JUVENILES

- (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).

315.2 POLICY

The Bakersfield Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Bakersfield Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

315.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, believing such minor is in violation of Section 601 or 602 of the Welfare and Institution Code, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (Welfare & Institutions Code § 625) .

315.2.2 CHILDREN UNDER THE AGE OF 14

Whenever a child under the age of 14 is arrested, the arresting 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).

315.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Bakersfield Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed

TEMPORARY CUSTODY OF JUVENILES

- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

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

These juveniles should not be held at the Bakersfield Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

315.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

315.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

315.3.3 SUPERVISOR'S RESPONSIBILITY

No juvenile may be held in temporary custody at the Bakersfield Police Department without authorization of the arresting officer's supervisor or the Watch Commander. The Supervisor approving the initial detention of any juvenile detained in secure or non-secure detention shall complete the following:

- a. Ensure the detention is in compliance with the law and departmental policy.
- b. Ensure the Detention Log was completed thoroughly and accurately by officers at the conclusion of the detention.
- c. Ensure all needed correction to the Detention Logs are made at the immediate conclusion of the detention.
- d. The approving supervisor(s) shall write their initials and badge number in the section "Detention Approved by" after verifying the accuracy and completeness of each documented detention.
- e. In the event a juvenile remains in secure or non-secure detention at the conclusion of the initial approving supervisor's shift, it will be the responsibility of the initial approving supervisor to transfer

TEMPORARY CUSTODY OF JUVENILES

his/her remaining responsibilities to the next supervisor and personally document that transfer in the section "Detention Approved by". Example: "AA#136-transferred to AB #155".

f. The supervisor assuming the remaining responsibilities of the detention shall ensure steps (a) through (d) are completed as indicated above.

315.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Bakersfield Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Bakersfield Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Bakersfield Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

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

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

315.4.2 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).

315.4.3 CUSTODY OF JUVENILE OFFENDERS

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

TEMPORARY CUSTODY OF JUVENILES

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

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

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

In all other cases the juvenile offender may be:

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

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

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

315.4.4 JUVENILE DETENTION ROOMS

The Bakersfield Police Department has provided detention rooms available for juveniles. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Officers or detectives placing juveniles in secure detention rooms shall comply with the following:

- (a) It is the officer's responsibility to receive supervisor's approval of all juvenile detentions and to notify a supervisor, and/or detective personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of six hours.
- (b) Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, a

TEMPORARY CUSTODY OF JUVENILES

supervisor shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.

- (c) A written record will be maintained on a detention log located on the wall outside each detention room. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended. There will also be a place for the Supervisor or Watch Commander to initial the log approving the detention to occur and to initial the log when the juvenile is released.
- (d) It is the responsibility of the arresting officer or detective to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian, or the appropriate juvenile custody facility. A supervisor shall be notified in all cases when a juvenile is detained at this department, and when applicable, shall be provided the name of the officer taking responsibility for the detention and processing of the juvenile.
- (e) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report.

315.4.5 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried and placed into the bag. The property will be maintained by the responsible officer until the juvenile is released from the custody of the Bakersfield Police Department.

315.4.6 MONITORING OF JUVENILES

An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured, ill or intoxicated juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances a supervisor shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile.

315.4.7 MANDATED JUVENILE PROVISIONS

While a juvenile is being detained in the detention room, he/she shall be provided with the following provisions:

- (a) Reasonable access to restroom facilities
- (b) Food, if the 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.
Reasonable access to drinking water

TEMPORARY CUSTODY OF JUVENILES

- (c) Privacy during family, guardian, and/or lawyer visits
- (d) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the Police Department if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody)

315.4.8 FORMAL BOOKING

No juvenile shall be formally booked (Welfare and Institutions Code § 602 only) without the authorization of the arresting officer's supervisor.

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 a supervisor, giving due consideration to the following:

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

315.4.9 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
 - 1. Parent or legal guardian
 - 2. An adult member of his/her immediate family
 - 3. An adult person specified by the parent/guardian
 - 4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by a supervisor
- (b) If the six hour time limit has expired, the juvenile should be transported to the juvenile hall to accept custody
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
 - 1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
 - 2. If the arresting officer or a supervisor believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.
 - 3. The arresting officer may complete an ARIETIS Entry form for the juvenile, include "release to parent" in the probable cause section, and submit the form

TEMPORARY CUSTODY OF JUVENILES

to the records division. Records personnel will forward the associated report to Juvenile Probation for review.

4. The juvenile may be transferred to Juvenile Hall with authorization of a supervisor when the violation falls within the provisions of Welfare and Institutions Code § 602.
- (d) If a juvenile is to be transported to Juvenile Hall, the following forms shall accompany the juvenile:
1. Juvenile Transfer of Custody.
 2. ARIETIS Entry
 3. Any personal property taken from the juvenile at the time of detention.

315.5 ADVISEMENTS

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

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

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

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

315.6 JUVENILE CUSTODY LOGS

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

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Bakersfield Police Department (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.

Bakersfield Police Department

Bakersfield PD Policy Manual

TEMPORARY CUSTODY OF JUVENILES

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

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

315.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

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 Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

315.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate detective supervisors to ensure that personnel of those bureaus act within legal guidelines.

315.7 NO-CONTACT REQUIREMENTS

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

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Bakersfield Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

315.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. A supervisor shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

TEMPORARY CUSTODY OF JUVENILES

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:

- (a) The Juvenile Court
- (b) The parent, guardian, or person standing in loco parentis, of the juvenile

315.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer 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 himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify a supervisor if he/she believes the juvenile may be a suicide risk. The supervisor will then arrange to contact a mental health team for evaluation, or to contact Juvenile Hall and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

315.7.3 USE OF RESTRAINT DEVICES

Policy Manual § 306 refers to the only authorized restraint device. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

- (a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others
- (b) Is a serious and immediate danger to himself/herself or others
- (c) Otherwise falls under the provisions of Welfare and Institutions Code § 5150

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of a supervisor.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

A supervisor shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision shall be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision shall be documented in the police report.

Bakersfield Police Department

Bakersfield PD Policy Manual

TEMPORARY CUSTODY OF JUVENILES

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment, or as a substitute for treatment.

315.7.4 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

315.7.5 DEATH OF A JUVENILE WHILE DETAINED

The Criminal Investigations Division and Internal Affairs Division will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this Department. The Division Commander or his/her designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the Bakersfield Police Department, the following shall apply:

- (a) The Chief of Police or his or her designee shall provide to the California Department of Corrections and Rehabilitation a copy of the report submitted to the Attorney General under Government Code § 12525. A copy of the report shall be submitted to the Department of Corrections and Rehabilitation within ten calendar days after the death.
- (b) Upon receipt of a report of death of a juvenile from the Chief of Police or his or her designee, the Department of Corrections and Rehabilitation may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 California Code of Regulations § 1341. Any inquiry made by the Department of Corrections and Rehabilitation shall be limited to the standards and requirements set forth in these regulations.
- (c) A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:
 - 1. Chief of Police or his or her designee
 - 2. The health administrator
 - 3. The responsible physician and other health care and supervision staff who are relevant to the incident

315.7.6 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to the Police Department with a supervisor's approval. Juveniles can be released to their parent, legal guardian, or responsible adult relative.

315.7.7 PROTECTIVE CUSTODY

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse. Before taking any minor into protective custody, the officer should make reasonable attempts to contact the appropriate child welfare authorities to ascertain any applicable history or current information concerning the minor.

TEMPORARY CUSTODY OF JUVENILES

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs. Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

315.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Bakersfield Police Department shall ensure the following:

- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Bakersfield Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Bakersfield Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

TEMPORARY CUSTODY OF JUVENILES

- (n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

315.9 SECURE CUSTODY

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

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

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

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

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

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

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

315.9.1 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.

TEMPORARY CUSTODY OF JUVENILES

- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

315.10 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Bakersfield Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Division Supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

315.11 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Bakersfield Police Department when the

TEMPORARY CUSTODY OF JUVENILES

juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

315.12 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Bakersfield Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Bakersfield Police Department.

315.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

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

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

315.13.1 MANDATORY RECORDINGS OF JUVENILES

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

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

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

TEMPORARY CUSTODY OF JUVENILES

- (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).

315.14 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 Bakersfield Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Investigations Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

315.15 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

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

TEMPORARY CUSTODY OF JUVENILES

315.16 FORMAL BOOKING

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

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

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

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

DISCRIMINATORY HARASSMENT

316.1 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.

316.2 POLICY

The Bakersfield Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

316.3 DEFINITIONS

Definitions related to this policy include:

316.3.1 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

DISCRIMINATORY HARASSMENT

316.3.2 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.

316.3.3 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 Fair Employment and Housing 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 City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

316.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

316.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Manager, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

Bakersfield Police Department

Bakersfield PD Policy Manual

DISCRIMINATORY HARASSMENT

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.

316.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

316.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

316.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Manager, the City Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

316.5 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

Bakersfield Police Department

Bakersfield PD Policy Manual

DISCRIMINATORY HARASSMENT

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.

316.5.1 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.

316.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Manager, or the City Manager.

316.5.3 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.

316.6 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 City Manager, or the Human Resources Manager, depending on the ranks of the involved parties.

DISCRIMINATORY HARASSMENT

- (b) Maintained in accordance with the department's established records retention schedule.

316.6.1 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.

316.7 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.

316.7.1 STATE-REQUIRED TRAINING

The Training & Logistics Division Lieutenant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training & Logistics Division Lieutenant should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

316.7.2 TRAINING RECORDS

The City of Bakersfield Human Resources Department 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).

PUBLIC ALERTS

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Bakersfield Police Department should notify their supervisor, Watch Commander 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.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

317.4 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.

317.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

Bakersfield Police Department

Bakersfield PD Policy Manual

PUBLIC ALERTS

- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

317.4.2 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)

317.4.3 CANCELLATION OF THE AMBER ALERT

Cancellation of the Amber Alert should be made in a timely fashion. Cancellation will be approved by an Investigations lieutenant or their designee. The cancellation will consist of radio broadcast

Bakersfield Police Department

Bakersfield PD Policy Manual

PUBLIC ALERTS

cancellations, Records personnel cancelling the Amber Alert in CLETS, and the Public Information Officer notifying the news media.

317.5 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.

317.5.1 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.

317.5.2 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)

PUBLIC ALERTS

2. The FBI local office

317.6 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).

317.6.1 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.

317.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

317.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

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

Bakersfield Police Department

Bakersfield PD Policy Manual

PUBLIC ALERTS

- (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 Bakersfield Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

317.8 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).

317.8.1 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

317.8.2 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

318.1 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.

318.2 POLICY

The Bakersfield Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Bakersfield Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Bakersfield Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with his/her contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 - 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Bakersfield Police Department jurisdiction (Penal Code § 680.2).

VICTIM AND WITNESS ASSISTANCE

318.4 CRIME VICTIMS

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

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

318.4.1 VICTIMS OF HUMAN TRAFFICKING

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

318.5 VICTIM INFORMATION

The Records 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 medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U Visa and T Visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number and any applicable case or incident number.

VICTIM AND WITNESS ASSISTANCE

- (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).

318.6 WITNESSES

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

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

INFORMATION TECHNOLOGY USE

319.1 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.

319.1.1 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 Bakersfield Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

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

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

319.2 POLICY

It is the policy of the Bakersfield Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the department in a professional manner and in accordance with this policy.

319.3 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.

INFORMATION TECHNOLOGY USE

The department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

319.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

319.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

319.4.2 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.

INFORMATION TECHNOLOGY USE

319.4.3 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.

319.4.4 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.

319.5 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.

319.6 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

Bakersfield Police Department

Bakersfield PD Policy Manual

INFORMATION TECHNOLOGY USE

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

320.1 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.

320.1.1 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.

320.2 REQUIRED REPORTING

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

320.2.1 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

Bakersfield Police Department

Bakersfield PD Policy Manual

REPORT PREPARATION

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).

320.2.2 NON-CRIMINAL ACTIVITY

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

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

320.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.

Bakersfield Police Department

Bakersfield PD Policy Manual

REPORT PREPARATION

- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

320.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment. These instances may be documented in memorandum form at the direction of a ranking officer.

320.2.5 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.

320.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

320.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public online include:

- (a) Lost property
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number
- (c) Vandalism with no suspect information and no hate crime implications
- (d) Residential and vehicle burglaries with no suspect information or evidence
- (e) Stolen vehicle attempts with no suspect information or evidence
- (f) Annoying telephone calls
- (g) Identity theft without an identifiable suspect
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle

REPORT PREPARATION

(j) Supplemental property lists

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

320.3 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.

320.3.1 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.

320.3.2 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.

320.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the author stating the reasons for rejection. It shall be the responsibility of the originating author to ensure that any report returned for correction is processed and resubmitted in a timely manner.

MEDIA RELATIONS

321.1 PURPOSE AND SCOPE

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

321.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and the designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

In the event of a major incident or critical incident, the media will be contacted as soon as practical by the ranking officer supervising the scene. Kern County Broadcasting Association (KCBA) notifications are the agreed upon method by the Chief of Police and local media to provide timely notification of major incidents. The ranking officer supervising the scene will be responsible for notifying KCBA after the scene is stabilized. KCBA notifications are required at major incidents and they are to be contemporaneous with the incident.

A news release regarding the incident should be accomplished by the scene supervisor, or designee, as soon as practical and prior to the conclusion of his/her assignment for the day. The news release will be forwarded to the PIO (during business hours) or to the Records Section for dissemination to the media.

321.2.1 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(s) 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 comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

MEDIA RELATIONS

321.3 MEDIA ACCESS

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

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department 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 Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

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

321.3.1 PENAL CODE 409.5

Penal Code Section 409.5(a) states that whenever a menace to the public health or safety is created by a calamity including a flood, storm, fire, earthquake, explosion, accident or other disaster; law enforcement may close the area where the menace exists for the duration thereof. Subsection (c) states any unauthorized person who willfully and knowingly enters the area, and who willfully remains after receiving notice to leave shall be guilty of a misdemeanor; however, Penal Code Section 409.5 (d) states, "Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, radio or television station or network from entering the areas closed pursuant to this section."

MEDIA RELATIONS

As soon as a disaster or accident has been identified and secured, authorized media shall be permitted access to the affected area, after being advised of any existing danger; unless, the area is considered a crime scene, (e.g., plane crash, explosion etc.) or their unrestricted access will interfere with emergency operations.(Leiserson v. City of San Diego 1986)

Officers shall not decline the rescue of news media personnel who are in danger. Additionally, officers will not provide media personnel an escort into or out of dangerous areas.

321.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

It is the desire of the Bakersfield Police Department to provide complete and accurate information to the media to better keep the community informed. We believe that a courteous and cooperative approach to providing newsworthy information to the media will result in the news being reported in a more factual and unbiased manner.

Information that would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, will not be released to the media. Beyond this, every effort will be made to supply the requested information as it becomes available.

Information that may be released in connection with the investigation of an event or crime includes:

- Type or nature of an event or crime
- Location, date and time, injuries sustained, damages, and a general description of how the incident occurred
- Type and quantity of property taken
- Identity and area of residence of a victim, with the exception of sex crimes, spousal abuse, hate crimes, child abuse victims, and where reprisals or intimidation may be employed. Refer to Bakersfield Police Department Confidentiality Form and Gov. Code 6254(f)(2)
- The address of an arrested person or crime victim may be released **only after** the requestor declares under penalty of perjury that the request is being made for one of five prescribed purposes listed in Gov. Code 6254(f)(3). This does not include the previously mentioned exceptions (e.g. sex crime victims). Request forms will be available and maintained through the Public Information Office.
- Requests for aide in locating evidence, a complainant or a suspect
- Number of officers or people involved in an event or investigation, and the length of the investigation
- Name of an officer in charge of a case, supervisor and division or unit assignment
- The name of any undercover officer will not be released

Bakersfield Police Department

Bakersfield PD Policy Manual

MEDIA RELATIONS

- Name, description and photograph of a wanted person if such information would aid in apprehending the suspect or serve to warn the public of potential danger

Information that may not be released in conjunction with an investigation of an event or crime, unless authorized by the Chief of Police or designee, includes:

- Identity of a suspect prior to arrest, unless such information would aid in apprehending the suspect or serve to warn the public of potential danger
- The name of any undercover officer
- Identity of any victim of a sex crime, spousal abuse, hate crime, child abuse or any related information which if divulged could lead to the victim's identity
- The fact that an individual has been arrested for W&I 5150. Criminal charges related to that individual can be disclosed providing the W&I 5150 information is excluded (W&I 5328)
- Identity of victims or witnesses if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim/witness in personal danger
- Victim/witness address and telephone information shall not be disclosed to any arrested person or defendant in any case in which the victim/witness is party to (PC841.5(a));
- Identity of any juvenile who is a suspect or defendant in a case subject to the jurisdiction of the juvenile court. (Identity of juvenile victims may be released if they are not otherwise protected by the provisions of the Government Code or any other State or Federal law)
- Identity of any victim of elder abuse (W&I 15633)
- Identity of any deceased person prior to notification of next of kin
- Results of any investigative procedure such as lineups, polygraph examinations, fingerprint comparison, ballistics test or other procedures the fact that these tests have been performed may be revealed without further comment
- Information which, if prematurely released, may interfere with an investigation or apprehension (such as the nature of leads, specifics of an "MO," details of the crime known only to the perpetrator and the police, or information that may cause the suspect to more effectively avoid apprehension)
- Information that may be of evidentiary value in criminal proceedings
- Specific cause of death, unless officially determined by the medical examiner
- The home address or telephone number of any member of the department
- Any other information protected by State and/or Federal law.

Bakersfield Police Department

Bakersfield PD Policy Manual

MEDIA RELATIONS

Following an arrest, issuance of an arrest warrant, or filing of an information or indictment, it is permissible to release:

- Accused's name, age, date of birth, physical description, area of residence, occupation and family status
- Time and place of arrest, including whether pursuit or resistance was encountered, weapons that were used, charges placed against the suspect, and description of contraband seized
- Identity of the arresting officer(s) and duration of the investigation, unless the officers are engaged in undercover operations
- Amount of bond, scheduled court dates, and place of the suspect's detention.

Following arrest and formal charging of a suspect, but prior to adjudication, the following types of information should not be released.

- Criminal history, including booking photos
- Existence or contents of any confession, admission or statement of a defendant, or his failure or unwillingness to make a statement
- Performance/results of any test, or a defendant's refusal or failure to submit to tests such as a polygraph
- Identity, statement or expected testimony of any witness or victim
- Any opinion about the guilt or innocence of a defendant, or the merits of the case
- Any opinion/knowledge of the potential for a plea bargain or other pretrial action.

Media representatives shall be denied access to the contents of investigative or incident reports and records when release of the information would:

- Jeopardize the integrity of ongoing and/or pending investigations
- Deprive a person of the right to a fair trial or an impartial adjudication, or give one party to a controversy an undue advantage by exclusive access to such information
- Constitute an unwarranted invasion of the personal privacy rights of another person
- Reveal the identity of an individual who has furnished information to the department under confidential circumstances
- Disclose investigative techniques and procedures, thereby impairing future effectiveness of the department
- Endanger the life or physical safety of any person.

The identity of parties involved in a traffic accident may be released, unless:

- A party involved is fatally injured and notification of next of kin has not yet been accomplished

Bakersfield Police Department

Bakersfield PD Policy Manual

MEDIA RELATIONS

- The party involved is a juvenile and/or there is a possibility of a criminal complaint (e.g., vehicular manslaughter, hit and run, driving under the influence, etc.).

Factual information surrounding the accident may be released regardless of the circumstances.

321.4.1 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. Examples of such information include, but are not limited to:

- Confidential peace officer personnel information. (See Personnel Files Policy)
- Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code 20012).
- Criminal history information.
- Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- Information pertaining to pending litigation involving this department.
- Information obtained in confidence.
- Any information that is otherwise privileged or restricted under state or federal law. (Government Code §6254(k)).

COURT APPEARANCE AND SUBPOENAS

322.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

322.1.1 DEFINITIONS

Standby/On-Call - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone so that he or she may be directed to appear in court within a reasonable amount of time (typically 60 minutes or less unless approval is received from an officer of the court for an extended response time) is considered on call or on standby.

When an employee has appeared in court, or is at the time on duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone if called back, is also considered on call or on standby.

Trailing Status - An employee may be considered "off call" after 1630 however, the employee is still subject to being continued, or trailed to the next day. Employees will be notified via telephone if they will be trailed to the next day or via electronic subpoena for another appearance date by no later than 1800 hours.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action. Every effort will be made to notify an employee as soon as practical by telephone if his/her appearance will be required or if the court case has been trailed. Officers are ultimately responsible for checking his/her email for notifications regarding updates to their court cases. Changes to court cases will be made throughout the day and finalized by 1800 hours each business day. Officers are expected to check his/her email on or around that time if he/she has not received notification from the subpoena coordinator.

Court Liaison Officer - This position is established to insure continuity in appearances, liaison with the courts, the District Attorney's Office, and to verify actual court time and standby time entered in TeleStaff. The liaison officer is available during business hours and may be reached by calling the department's subpoena clerk at 326-3890.

322.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case. Failure to respond to subpoenas will tend to erode confidence in the Bakersfield Police Department and reflect unfavorably upon the reputation of

Bakersfield Police Department

Bakersfield PD Policy Manual

COURT APPEARANCE AND SUBPOENAS

both the employee and the department. Failure to appear as ordered by a subpoena is punishable as contempt in accordance with PC 1331.5 and may result in departmental action.

322.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties will be served electronically through e-mail, and, on rare occasions, may also be personally served. (Government Code § 68097.1 and Penal Code § 1328(c)) Subpoena service is also acceptable by courier or court liaison from the court to this department.

322.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

322.2.3 ACCEPTANCE OF SUBPOENA

Only the employee named in a subpoena, or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)) Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and will provide a copy of the subpoena electronically through e-mail to each involved employee.

Employees must acknowledge subpoena e-mail notifications by selecting the "accept" option. A "tentative" or "decline" response is not permitted. Employees will be responsible for checking their work e-mail at the beginning of each shift to view and accept subpoenas.

If a subpoena is presented for service less than five working days prior to the date listed for an appearance, the subpoena clerk may refuse to accept service. (Penal Code § 1328(d)) All subpoenas will be delivered within a reasonable time span to allow compliance. On occasion, the five day rule of PC § 1328 will not be strictly adhered to, however every effort will be made to follow this delivery schedule.

If, after initially accepting service of a subpoena, the department subpoena clerk determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the department subpoena clerk shall immediately 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))

322.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Watch Commander of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

COURT APPEARANCE AND SUBPOENAS

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee 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)).

322.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

Illness/Emergency - It is imperative to the reputation of the Bakersfield Police Department and its employees that all subpoenas be obeyed unless circumstances such as illness or unforeseen emergencies prevent an officer from responding to a subpoena. In this type of situation, it is the employee's responsibility to call the Subpoena Clerk one hour prior to the appearance. Additionally, an officer who is required to respond to court while off injured, ill, or on administrative leave will not receive overtime pay.

Standby Times - The beginning of standby hours will be determined by the time listed on the subpoena. Unless otherwise notified by the court liaison officer, subpoena clerk, the court, or an officer of the court:

- (a) Standbytimes will be from 0830-1630 hours daily.
- (b) Officers will be notified by 1800 hours that date, via email, if they are trailed to the next court date.
- (c) Officers going on or coming off standby within one hour of their regularly assigned duty hours will not receive standby pay.

Multi-Day Subpoenas - In the case of jury trials where officers have been traditionally trailed day-to-day, the District Attorney may, at their discretion, begin issuing subpoenas for multiple days. If an employee receives a subpoena, electronic or hard copy, which indicates a date range, the

COURT APPEARANCE AND SUBPOENAS

employee will be considered to be trailed daily (0830-1630) within the listed date range. If the trial is extended beyond the original subpoena's date range the subpoena clerk will notify the officer prior to 1800 hours on the last day of the original date range.

Implementation of multi-day subpoenas will allow employees to know their on-call status for jury trials for multiple days which will better allow them to accommodate their off-duty schedule as well as eliminate calls from the District Attorney's Office to the subpoena clerk and then to the officers to trail them daily.

Response Time/Availability - During the time the employee is on call, he or she must be immediately available by telephone. The employee must respond to the designated court, prepared with reports and evidence, within 60 minutes of the initial call to respond.

Appearance Versus On-Call - All law and motion, and all 1538.5 motion hearings are to be considered mandatory appearances unless otherwise noted. All other subpoenas will be considered "on-call" unless otherwise specified on the subpoena, or unless notified by the court liaison officer or subpoena clerk.

Traffic Court - All subpoenas received for Traffic Court are a mandatory appearance and are not on call.

Expert Witnesses - The District Attorney's office has agreed to subpoena subject matter experts for narcotics, gangs, traffic etc. The subpoena will indicate the subject matter and not a specific employee. These subpoenas will be accepted by the subpoena coordinator, and then routed to the appropriate section. Supervisors in each section will determine which employee should appear on the case and serve that employee with the subpoena. The subpoena will be returned to the subpoena coordinator indicating the employee that is to appear. The named employee will then be served with an electronic copy of the subpoena. Exceptions to this would be if a specific expert is personally involved in the case. He or she would then serve as the expert witness for that case.

322.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Bakersfield Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

322.2.7 ON-DUTY RELATED SUBPOENAS

Officers who appear in court during normal duty hours shall use the COURT TRACKING code in Telestaff by entering the hours spent in court. The code, which does not require approval, will not impact payroll in any way. This code will only be utilized by officers for time spent in court during their normal shift.

If the officer responds to court before their duty shift begins or after their duty shift ends, they will still enter the appropriate court overtime entry to be compensated for their overtime hours.

COURT APPEARANCE AND SUBPOENAS

322.2.8 FAILURE TO APPEAR

A subpoena is an order by the court instructing the witness employee to appear or otherwise comply as instructed. Unless specifically excused or dismissed from a subpoena, no other assignment, activity or duty will relieve a witness employee from the responsibility to adhere to the subpoena. Failure to obey a subpoena may be punished as contempt and a warrant may be issued by the court. Failure to abide by Department rules and procedures may also result in departmental discipline.

322.3 CIVIL SUBPOENAS

Procedure - To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any employee for reasonable and necessary travel expenses.

Definitions

Civil Subpoena - A civil subpoena is the request for an employee to respond to give testimony on a matter where he/she is a witness. This testimony could involve a deposition, arbitration or a trial.

Civil Summons - A civil summons is normally issued where the employee is a party in a case and will usually be accompanied by the civil lawsuit.

Civil Subpoena/ Summons Procedure Not Involving the City of Bakersfield - Civil subpoenas will be accepted by the Department's subpoena coordinator on behalf of all employees. This will involve cases where an employee is being called as a witness whether in his/her official capacity or not, or is named in a civil summons as a party in a lawsuit that does not involve his/her official capacity or the City of Bakersfield. For cases not fitting these criteria refer to the civil subpoena/summons procedure involving the City of Bakersfield. When the subpoena coordinator is personally served with a civil subpoena or summons, a copy will be immediately signed, dated, and the receipt time noted by the coordinator. A copy of the subpoena with a photocopy of both the deposit check and Bakersfield City receipt will be attached and forwarded to the Purchasing Office. Completion of a civil subpoena receipt form is no longer necessary.

Civil Subpoena/Summons Procedure Involving the City of Bakersfield - A civil summons that names an officer of the Bakersfield Police Department will be accepted by the Bakersfield City Clerk if the officer is being sued in his or her official capacity as a Bakersfield Police Officer. The person serving the summons will be directed to the City Clerk's Office. The receipt of the summons by the city clerk will obligate the named officer to accept and obey the summons. If an employee receives a civil summons which has not been routed through the City Clerk's Office, the employee will immediately notify their supervisor and the Internal Affairs Sergeant. This procedure will allow Internal Affairs and the City Attorney's Office to initiate the response to the summons within the required time frame. This will also relieve the named officer of the responsibility of notifying the

Bakersfield Police Department

Bakersfield PD Policy Manual

COURT APPEARANCE AND SUBPOENAS

Internal Affairs Sergeant of the summons and completing the receipt form for the summons which have been routed through the City Clerk's Office.

Depositions - Employees shall notify their immediate supervisor of any pending depositions. Employees are not to grant depositions or interviews regarding civil or criminal cases involving the City of Bakersfield at the request of private attorneys, investigators, or the public defender's office without a proper subpoena or summons, unless specific instruction or permission has been given by the employee's division commander.

Employees are to adhere to the same standards of attire as any other court appearance.

Procedures After Civil Court Appearances And/Or Depositions Resulting From Civil Subpoena -

After appearing in civil court or for a deposition involving the City of Bakersfield, the officer shall complete the Report of Civil Court Appearance/Deposition. The officer shall then return all papers described above to Purchasing as soon as possible for processing. Any overtime incurred should be entered into TeleStaff prior to or at the time of submission of the Appearance form to Purchasing. If an officer responds to a civil subpoena but does not testify, the same form must be completed and the appropriate compensation will be granted if the hearing has not been previously postponed, canceled, or otherwise adjudicated, with proper notification to the concerned officer. If a civil trial or hearing is postponed, canceled, or otherwise adjudicated before the scheduled date but after the officer has been subpoenaed and the officer is properly notified of this action, it will be the responsibility of the officer subpoenaed to complete the same required forms with a notation "no appearance required, case adjudicated" (or similar comment).

Payment for Civil Court Appearances - The Department will receive reimbursement for the employee's compensation through the civil attorney of record who subpoenaed the employee. All appearances arising out of the officer's course of duty shall be on city time. Off-duty officers shall be compensated per department policy, as in criminal court appearances. Officers called to testify in matters not received or investigated during the course of their duties shall appear on their own time and at their own expense.

322.3.1 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

322.3.2 PARTY MUST DEPOSIT FUNDS

The party in the civil action who seeks to subpoena an officer must deposit the statutory fee of \$275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

322.4 OVERTIME APPEARANCES

If the employee appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

COURT APPEARANCE AND SUBPOENAS

All employees directed to appear in court will be paid for the actual hours spent in court or a four-hour minimum, whichever is greater in accordance with court call back and extension of shift criteria. If the officer returns to court the same afternoon, the officer will be paid for the actual time spent in court in the afternoon, not a four hour minimum. No compensation will be paid for the hours the employee is not in court. If employees elect to be paid from the time of their first appearance in the morning until they are released in the afternoon, they shall return to the police department immediately after being released by the court in the morning and report to the watch commander for assignment until required to return to court. Employees need not report for assignment if they are on lunch break (no more than one and one-half hours) and are to return for the same case. In this instance only, the employee's pay will continue through the lunch hour. Officers responding to and completing court appearances within one hour of either the beginning or ending of their normal scheduled duty time will be compensated as an extension of shift.

Employees subpoenaed into a court outside the sphere of influence of the City of Bakersfield will be compensated for driving time.

Standby Pay/Appearances -The subpoena clerk must approve standby pay and all other appearances entered in TeleStaff. If placed on call by an attorney, it is the employee's responsibility to advise the attorney to contact the subpoena clerk to place them on call. If an employee's court standby and/or overtime is denied or amended, an entry in the "note" section of the TeleStaff entry will be accomplished with the reason for the denial/amendment.

Standby/Overtime Entries - All standby and/or overtime entries in TeleStaff will be completed by the employee requesting compensation at the first available opportunity. Standby pay will be compensated per eight hour court day, in addition to any callback pay earned. The compensation pay for standby could fluctuate with each memorandum of understanding. When completing overtime entries, the employee must log the court case number(s) and the actual amount of time spent on each case. Court appearances with a lunch break longer than one hour and 30 minutes will require a separate entry into TeleStaff for that date. The Subpoena Clerk will approve all overtime and standby. All court entries must be submitted on the day of the subpoena date. All standby entries must be submitted on the first duty day after your court date.

322.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

322.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

322.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

COURT APPEARANCE AND SUBPOENAS

322.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

322.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, the Preliminary Hearing Supervisor of the District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

RESERVE OFFICERS

323.1 PURPOSE AND SCOPE

The Bakersfield Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

323.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Bakersfield Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

323.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

323.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

323.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

323.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Field Services Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

323.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

Bakersfield Police Department

Bakersfield PD Policy Manual

RESERVE OFFICERS

323.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

323.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve officer performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

323.4 FIELD TRAINING

Penal Code § 832.6(a)(2) requires Level I reserve officers, who have not been released from the immediate supervision requirement per Policy Manual § 350.4.7, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

323.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

323.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

323.4.3 FIELD TRAINING MANUAL

Each new reserve 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 Bakersfield Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

323.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

RESERVE OFFICERS

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

323.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

323.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

323.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

323.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6(a)(2)). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

323.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement.

Bakersfield Police Department

Bakersfield PD Policy Manual

RESERVE OFFICERS

Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

323.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

323.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

323.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

323.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Field Services Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

323.5.6 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

323.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

Bakersfield Police Department

Bakersfield PD Policy Manual

RESERVE OFFICERS

323.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty.

323.6.2 CONCEALED FIREARMS

Off duty reserve officers may carry firearms as allowed by Law Enforcement Officers Safety Act (LEOSA).

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

323.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual.

323.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

OUTSIDE AGENCY ASSISTANCE

324.1 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.

324.2 POLICY

It is the policy of the Bakersfield Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

324.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

324.3.1 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 Bakersfield Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

324.4 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

OUTSIDE AGENCY ASSISTANCE

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

324.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

REGISTERED OFFENDER INFORMATION

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Bakersfield Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

325.2 POLICY

It is the policy of the Bakersfield Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION

The Investigations Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

325.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

325.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

REGISTERED OFFENDER INFORMATION

Any discrepancies should be reported to the California DOJ.

The Investigations Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Bakersfield Police Department personnel, including timely updates regarding new or relocated registrants.

325.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Bakersfield Police Department's website. Information on sex registrants placed on the Bakersfield Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (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.

325.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- (a) The offender's full name
- (b) The offender's known aliases
- (c) The offender's sex
- (d) The offender's race
- (e) The offender's physical description
- (f) The offender's photograph
- (g) The offender's date of birth
- (h) Crimes resulting in the registration of the offender under Penal Code § 290
- (i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

REGISTERED OFFENDER INFORMATION

325.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

MAJOR INCIDENT NOTIFICATION

326.1 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.

326.2 POLICY

The Bakersfield Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.3 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 Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Bakersfield official
- Arrest of a department employee or prominent Bakersfield official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

326.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

326.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 326.3, the Chief of Police shall be notified along with the affected Division Commander and the Lieutenant if that division is affected.

Bakersfield Police Department

Bakersfield PD Policy Manual

MAJOR INCIDENT NOTIFICATION

326.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

326.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

326.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

CITE AND RELEASE POLICY

327.1 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.

327.2 POLICY

It is the policy of the Bakersfield Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

327.3 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.

327.3.1 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.

327.3.2 RELEASE AFTER BOOKING

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

327.4 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:

Bakersfield Police Department

Bakersfield PD Policy Manual

CITE AND RELEASE POLICY

- (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.

327.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

Bakersfield Police Department

Bakersfield PD Policy Manual

CITE AND RELEASE POLICY

- (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.

327.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Bakersfield City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations Division for further action.

PEER SUPPORT PROGRAM

327.1 PURPOSE AND SCOPE

This section defines the policies, formation, maintenance and uses of the Bakersfield Police Department Peer Support Program. It is recognized that employees face many stressful and conflicting situations that may seriously affect their lives both personally and professionally. The Peer Support Program is provided as a resource to facilitate the understanding and expression of feelings and assistance in problem solving. The program is meant to provide support in a number of situations which include substance abuse, critical incident stress, family issues, grief support, legal issues, line of duty deaths, serious injury or illness, suicide, victims of crime, and other workplace issues.

327.2 POLICY

It shall be the policy of the Bakersfield Police Department to promote the general well-being of department employees. The department will maintain an active Peer Support Program comprised of Bakersfield Police Department employees who will offer pre-incident education on a variety of topics, provide confidential and nonjudgmental support by specially trained peer support members and when necessary, suggest appropriate referrals. Employee participation on the Peer Support Team is voluntary.

327.3 PROCEDURES

The Peer Support Program shall have a program coordinator(s) who acts as a liaison between Administration and the peer support members. The program coordinator(s) shall be responsible for maintaining the program's integrity, providing training, and monitoring/evaluating the program's overall effectiveness.

327.4 PARTICIPATION IN PEER SUPPORT

When there is an anticipated opening within a unit, the Peer Support Coordinator will issue a memorandum giving the title of the position to be filled and the anticipated vacancy date. The memorandum will be posted in a manner that gives reasonable notice to all eligible personnel. The closing date will not be less than 14 calendar days from date of the announcement. Interested personnel will send written requests for the assignment to the Peer Support Coordinator on or before the closing date.

327.5 SELECTION CRITERIA

Peer support member selection will be made by the Peer Support Coordinator. Member selection will be based, in part, on the current and projected needs of the program, group dynamics and the following:

- (a) Willingness to volunteer when approached or requested on/off-duty time
- (b) Willingness to attend regular scheduled meetings and training sessions

PEER SUPPORT PROGRAM

- (c) Willingness to comprise and forward statistics to the Peer Support Program Coordinator on a monthly basis
- (d) Understand confidentiality and nonjudgmental thinking
- (e) Have the sensitivity to work with all people regardless of race, religion, gender or sexual orientation
- (f) General work performance

327.6 REQUIREMENT FOR ACTIVE STATUS

Continued active status as a peer support member is dependent upon participation and compliance with the following:

- (a) Maintain confidentiality
- (b) Complete activity logs
- (c) Attend scheduled meetings and annual update training
- (d) Adhere to the rules and procedures of the Peer Support Program
- (e) Observe the Peer Support Program guidelines
- (f) Satisfactory work performance

327.7 REJECTION AND REMOVAL CRITERIA

No employee shall be accepted into the Peer Support Program if they are currently the subject of serious discipline, fitness for duty, or any other difficulty which would interfere with their ability to perform peer support duties as determined by the program coordinator. If a candidate fails to fulfill the selection criteria, the request for membership shall be denied.

Any peer support member who egregiously violates confidentiality requirements, becomes the subject of serious discipline, or is subject to a fitness for duty evaluation will be immediately removed from the Peer Support Program. The Peer Support Program Coordinator will have discretion to remove or suspend a peer support member if there is a determination that retention of that member is in conflict with the mission and/or duties of the Peer Support Program. Any member who is removed and requesting reinstatement must reapply for active status and will be subject to the same criteria as new applicants.

327.8 TRAINING

The Bakersfield Police Department Peer Support Program requires members to complete the following training classes within the timelines provided:

1. POST Certified Basic Peer Support Course (24 hours) to be completed **within the first year of appointment.**

PEER SUPPORT PROGRAM

2. POST Certified Advanced Peer Support Course (16 hours) to be completed within two years of appointment.

To be afforded all protections under current law, Peer Support Program members be subjected to limited active status until the completion of training as listed above, or as listed in **California Government Code Section 8669.6**. The duties of each member, and their status will ultimately be determined by the Peer Support Coordinator.

327.9 COMPENSATION

Participation in the Peer Support Program is voluntary. Available, off-duty Peer Support personnel may occasionally be requested to respond and aid in critical incident situations. In these situations, Peer Support personnel who respond and assist will be compensated for their time. Under no circumstances are any Peer Support Personnel to be considered “on-call” for the purposes of compensation nor will they be paid as such for peer support purposes. All other situations involving off-duty activities involving Peer Support activity by Peer Support personnel may be compensated at the discretion and upon the approval of the Peer Support Coordinator. Any questions or concerns related to overtime compensation and Peer Support duties should be directed to the Peer Support Coordinator prior to off-duty involvement.

327.10 PEER SUPPORT CONFIDENTIALITY

Critical responsibilities of a peer support member include the promotion of trust, anonymity and confidentiality for employees who seek assistance from the program. Pursuant to **California Government Code Section 8669.1 – 8669.7** (Law Enforcement Peer Support and Crisis Referral Services Program), certain communications between a trained peer support member and an employee are considered confidential. California Government Code Section 8669.3 (Law Enforcement Peer Support and Crisis Referral Services Program) defines “confidential communication” as:

The policy of the Bakersfield Police Department Peer Support Program is to maintain confidentiality. A general principle for members of the Peer Support Program is to inform the peer, prior to their discussion, what the limitations and expectations are regarding any information revealed. Communication between the peer support member and an employee is considered confidential **except** for matters which involve the following:

- (1) To refer law enforcement personnel to receive crisis referral services by a peer support team member
- (2) During a consultation between two peer support team members
- (3) If the peer support team member reasonably believes that disclosure is necessary to prevent death, substantial bodily harm, or commission of a crime
- (4) If the employee agrees that the confidential communication may be disclosed
- (5) In a criminal proceeding

PEER SUPPORT PROGRAM

(6) Where the peer support member is involved as a participant or witness in the same incident

(7) If otherwise required by law. Examples include, but are not limited to the following:

- (a) Peer discloses a commission of a crime
- (b) Danger to self or others
- (c) The communication reveals the peer member's intent to defraud or deceive an investigation into a critical incident
- (d) The communication obligates mandated reporting pursuant to CA Penal Code Sec. 11165.7

327.11 ADMINISTRATIVE INVESTIGATIONS

It may occur that a peer support member is supporting an individual who becomes the subject of an internal affairs investigation. A peer support member may not hamper or impede the actual investigation nor may they attempt to shelter the individual from the department. The peer support member's role in disciplinary situations will be one of support in dealing with the understanding and expression of emotions faced by the person in the disciplinary process. If at any time the peer support member finds it necessary to invoke the confidentiality provisions of the program, he/she should consult the Peer Support Program Coordinator for guidance and assistance. Supervisors and representatives responsible for the investigation into an internal affairs issue will not ask the employee under investigation to divulge any conversations they may have had with a peer support member. In turn, peer support members will not be mandated to confirm an employee's participation in the program or divulge the nature or content of a session. For clarification on confidentiality, see **California Government Code Section 8669.1 – 8669.7** (Law Enforcement Peer Support and Crisis Referral Services Program)

327.12 ROLE OF MANAGEMENT AND SUPERVISORY PERSONNEL

Peer support members will be involved in helping their fellow employees on and off duty. Any employee seeking assistance should receive the full support and understanding of management and supervisory personnel during this process. Referrals to the Peer Support Program can be made at any time.

327.13 RESOURCE INFORMATION AND DEBRIEFS

When a critical incident occurs, it will be the responsibility of the on-scene supervisor or watch commander to contact the Peer Support Coordinator to request either immediate Peer Support Team response or initiate a critical incident debrief to be conducted within 72 hours after the incident. The debriefing will be facilitated by a trained mental health professional.

It will be the responsibility of the Peer Support Coordinator to notify all involved personnel detailing the date, time and location of the debriefing.

Bakersfield Police Department

Bakersfield PD Policy Manual

PEER SUPPORT PROGRAM

A complete list of qualified mental health professionals will be maintained by the City of Bakersfield Risk Management office.

PRIVATE PERSON'S ARREST

328.1 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.

328.2 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.

328.3 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.

328.4 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

PRIVATE PERSON'S ARREST

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b) (1). The officer must include the basis of such a determination in a related report.
 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

ANTI-REPRODUCTIVE RIGHTS CRIMES REPORT

329.1 PURPOSE AND SCOPE

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

329.2 DEFINITIONS

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

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

329.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.
- (c) By the tenth day of each month, it shall be the responsibility of the Records Division to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
 - 1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

Bakersfield Police Department

Bakersfield PD Policy Manual

ANTI-REPRODUCTIVE RIGHTS CRIMES REPORT

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

LIMITED ENGLISH PROFICIENCY SERVICES

330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Bakersfield Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

330.2 POLICY

It is the policy of the Bakersfield Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

330.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

Bakersfield Police Department

Bakersfield PD Policy Manual

LIMITED ENGLISH PROFICIENCY SERVICES

330.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Field Services Division Commander or the authorized designee. The Training Lieutenant shall serve as the LEP Coordinator.

The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Bakersfield Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Operations Supervisor. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (h) Receiving and responding to complaints regarding department LEP services.
- (i) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

330.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain

LIMITED ENGLISH PROFICIENCY SERVICES

whether his/her language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when acting as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other city departments who have the requisite training may be requested.

330.3.2 WRITTEN FORMS AND GUIDELINES

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

330.3.3 AUDIO RECORDINGS

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

330.3.4 TELEPHONE INTERPRETER SERVICES

The Watch Commander and the Communications Operations Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

330.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual departmental personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted in above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see: <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/DOJFinLEPFRJun182002.pdf>).

LIMITED ENGLISH PROFICIENCY SERVICES

330.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

330.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

330.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

The Bakersfield Police Department will take reasonable steps and will work with the Department of Human Resources to hire and develop in-house language capacity in the Communications Center by hiring qualified personnel with specific language skills.

Bakersfield Police Department

Bakersfield PD Policy Manual

LIMITED ENGLISH PROFICIENCY SERVICES

330.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

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 which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in § 368.3 to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

330.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

330.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's

Bakersfield Police Department

Bakersfield PD Policy Manual

LIMITED ENGLISH PROFICIENCY SERVICES

medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

330.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

330.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

330.5 TYPES OF LEP ASSISTANCE AVAILABLE

Bakersfield Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

330.6 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- (a) Listing of departmental bilingual employees, languages spoken, contact and shift information.
- (b) Listing of department-certified interpretation services bilingual interpreters, languages spoken, contact and availability information.
- (c) Phone number and access code of telephonic interpretation services.
- (d) Translated Miranda warning cards and other frequently-used translated documents.

LIMITED ENGLISH PROFICIENCY SERVICES

- (e) Any audio recordings/warnings that are developed in non-English languages.

330.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

330.8 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training & Logistics Division Lieutenant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training & Logistics Division Lieutenant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

COMMUNICATION WITH PERSONS WITH DISABILITIES

331.1 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.

331.1.1 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.

331.2 POLICY

It is the policy of the Bakersfield Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

331.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

Bakersfield Police Department

Bakersfield PD Policy Manual

COMMUNICATION WITH PERSONS WITH DISABILITIES

331.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Support Services Captain or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Bakersfield Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Operations Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

331.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the employee and a deaf or hearing impaired individual
- (b) Facing an individual utilizing lip reading and speaking slowly and clearly
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual

331.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees

COMMUNICATION WITH PERSONS WITH DISABILITIES

may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

331.3.3 TELEPHONE INTERPRETER SERVICES

The Watch Commander and Communications Operations Supervisor will maintain a list of qualified interpreter services to be contacted at department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

331.3.4 TTY AND RELAY SERVICES

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

331.3.5 COMMUNITY VOLUNTEERS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

331.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

331.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

COMMUNICATION WITH PERSONS WITH DISABILITIES

- (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.

331.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

331.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

COMMUNICATION WITH PERSONS WITH DISABILITIES

- (c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

331.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

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 which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

331.4.4 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

331.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

COMMUNICATION WITH PERSONS WITH DISABILITIES

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 Bakersfield Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

331.6 TYPES OF ASSISTANCE AVAILABLE

Bakersfield Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

331.7 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.

COMMUNICATION WITH PERSONS WITH DISABILITIES

- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members shall have a supervisor's approval before requesting a qualified interpreter. An interpreter should be requested 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).

331.8 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 or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

331.9 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.

331.10 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.

COMMUNICATION WITH PERSONS WITH DISABILITIES

- (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.

331.11 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.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

331.12 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.

331.12.1 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.

COMMUNICATION WITH PERSONS WITH DISABILITIES

- (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.

331.13 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.

331.14 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.

COMMUNICATION WITH PERSONS WITH DISABILITIES

331.15 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, 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.

331.16 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 to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.17 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 & Logistics Division Lieutenant 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 & Logistics Division Lieutenant 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.

331.17.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

Bakersfield Police Department

Bakersfield PD Policy Manual

COMMUNICATION WITH PERSONS WITH DISABILITIES

- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

MANDATORY EMPLOYER NOTIFICATION

332.1 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.

332.2 POLICY

The Bakersfield Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

332.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below ____, the Chief of Police or his/her designee is required to report the arrest as follows.

332.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

332.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

332.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher

MANDATORY EMPLOYER NOTIFICATION

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).

332.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

332.3.5 NOTIFICATION

In all ordinary instances, the arresting officer will, without delay, notify the on-duty watch commander of any arrest which fits the above criteria. The watch commander will ensure appropriate notifications is made.

332.4 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

333.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Bakersfield Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

333.2 POLICY

The Bakersfield Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

333.3 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.

333.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Bakersfield Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

333.4.1 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

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

333.5 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 Bakersfield Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Bakersfield Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

333.6 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 Administration Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.

CHAPLAINS

- (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.

333.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Field Services Division . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Bakersfield Police Department.

333.7.1 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.

333.7.2 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 Bakersfield Police Department personnel a minimum of eight hours per month.
- (c) Chaplains shall be permitted to ride with officers during any shift and observe Bakersfield Police Department operations, provided the Watch Commander has been notified and has approved the activity.
- (d) Chaplains shall not be evaluators of members of the Department.
- (e) In responding to incidents, a chaplain shall never function as an officer.
- (f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

Bakersfield Police Department

Bakersfield PD Policy Manual

CHAPLAINS

- (g) Chaplains shall serve only within the jurisdiction of the Bakersfield Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (h) 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.

333.7.3 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.

333.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

333.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

CHAPLAINS

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

333.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

333.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Bakersfield Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Bakersfield Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

333.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training & Logistics Division Lieutenant, 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

Bakersfield Police Department

Bakersfield PD Policy Manual

CHAPLAINS

- Suicide
- Officer injury or death
- Sensitivity and diversity

ANIMAL CONTROL PROCEDURES

334.1 OBJECTIVE

The objective of this policy is to strive toward the reduction and prevention of animal related problems in the community through the reasonable and responsible application of education, warning/citation system, and impoundment of animals.

334.2 PURPOSE AND SCOPE

The purpose of this policy is to assist Bakersfield Police Department ("Department") officers in performing job responsibilities and to serve as a tool in the decision making process relative to the handling of calls for animal service.

Recognizing that the nature of a call may dictate different responses and that the Department receives at least 16,000 calls for service a year, this policy aims to guide officers in the handling and documentation of those calls, and ultimately provide the most humane care for the animals.

This policy applies to all Department officers responding to calls for animal service.

334.3 STRAY ANIMALS

BMC 6.04.220(a): Stray animal" means an animal at large in or upon any public highway, street, sidewalk, alley, lane, park or other public place, or upon the property of any person other than the animal owner, without the permission of the owner or occupant of such property.

334.3.1 HANDLING

Stray dogs: Generally, Animal Control officers will respond to city addresses, during normal business hours, to take custody of stray dogs and provide medical care or treatment as necessary. These dogs will then be transported to the Animal Care Center.

Stray cats: Officers will not respond to calls involving stray cats. (BMC 6.04.030(a)) Residents with stray cat complaints may capture stray cats on their private property and commit them to the appropriate shelter.

334.4 IMPOUNDED ANIMALS

Please refer to BMC sections 6.04.130-6.04.160 for Records, Disposition, Redemption procedure and charges of impounded animals.

334.5 OTHER TYPES OF CALLS

334.5.1 VICIOUS DOGS

Please refer to BMC Chapter 6.05 for hearing procedures and handling. For calls received after hours, please refer to Section VII.

ANIMAL CONTROL PROCEDURES

334.5.2 ANIMAL BITES

Please refer to BMC Chapter 6.05 for procedures and handling. For calls received after hours, please refer to Section VII.

334.5.3 ANIMAL CRUELTY

Officers shall respond to and investigate all calls involving animal cruelty. The type, location and nature of the complaint dictates whether patrol officers or Animal Control officers respond to the call regardless of the hour.

For calls received after hours, please refer to Section VII.

334.5.4 NOISY ANIMALS/BARKING DOGS

Officers may issue a citation to the animal owner.

In some circumstances, officers may have to decide whether a peace disturbance report is warranted.

Under no circumstances will officers enter an unoccupied residence, enclosed yard, dog run, or other enclosed area to impound an animal for a noise complaint.

Officers should complete appropriate documentation and indicate whether the call for service was legitimate or unfounded. This is important when assessing a service fee to the animal owner.

If the animal owner is a first time offender, a notice may be sent regarding the complaint. The notice may include the Municipal Code section, possible penalties for the violation, and available methods to abate the nuisance.

334.5.5 WILDLIFE/LIVESTOCK

Officers should respond to all calls for service regarding wildlife/livestock constituting a threat to public safety.

Calls not involving threats to public safety should be referred to the appropriate agencies, if possible.

334.6 AFTER-HOUR CALLS

Animal Control office's normal business hours are from 0900 to 1600 hours, Monday through Friday. Calls received after normal business hours are referred to the Communications Center, which would then notify Animal Control the following business day (except for emergency calls).

Emergency calls received after hours are responded to by the on-call Animal Control officer.

A call for service is an emergency when it involves injured stray animals with moderate or severe injuries and animals constituting a threat to public safety.

Prior to contacting the on-call Animal Control officer, patrol officers may first determine whether a call is an emergency. Patrol officers should obtain supervisor approval prior to having an Animal Control officer respond after hours.

ANIMAL CONTROL PROCEDURES

In handling any call involving animals after hours, patrol officers arresting a subject in possession of an animal should make all attempts to locate a responsible party to assume custody of the animal prior to calling Animal Control.

334.7 RABIES

Exposure to Rabid Animals: The officer should immediately complete an initial general offense report and a bite exposure report.

The Animal Control supervisor should be notified immediately in the event a person or another animal is possibly exposed to rabies. The supervisor will then notify Kern County Public Health, who oversees all rabies testing.

Rabid Animals: Please refer to BMC 6.04.100 for Destruction of Rabid Animals.

334.8 IN-FIELD EUTHANASIA

Euthanasia is the act of inducing humane death in an animal. The Department's goal is to ensure that if an animal's life is to be taken, then it must be done with the highest degree of respect, and with an emphasis on making the death as painless and distress-free as possible.

334.8.1 CIRCUMSTANCES FOR EUTHANASIA

Animal Control Officers may humanely destroy any stray or abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal. (Penal Code §§ 597.1(e) and 597f(d))

Animal Control officers may euthanize animals that are irremediably suffering from a serious illness or severe injury, as well as newborn animals that need maternal care and have been impounded without their mothers. (Food & Agricultural Code § 17006)

If an animal is not severely injured or not experiencing irremediable suffering, then it should be immediately transported to the appropriate shelter or licensed veterinarian for medical treatment. Approval for veterinary care must be given by a supervisor.

An animal is "irremediably suffering" or is in "severe injury" if it has one or more of the following conditions (Note: this is not a comprehensive list):

- Broken hips;
- Heavy bleeding of dark blood;
- Disembowelment;
- Severe head injuries (with dilated pupils);
- Large open wounds;
- Paralysis;
- Open and draining chronic severe injuries;
- Broken protruding bones;

ANIMAL CONTROL PROCEDURES

- Traumatic eye enucleations;
- Clinical display of parvo virus/distemper.

334.8.2 ACCEPTABLE METHODS AND AGENTS FOR EUTHANASIA

Methods: Below are the approved methods of administration:

- Intravenous (IV)
- Intraperitoneal (IP)
- Intracardiac (IC) ,“ if the animal is unconscious or anaesthetized

Agents:

- Euthanizing agent: sodium pentobarbital only
- Sedatives: xylazine, ketamine HCL, and acepromazine (not used for treatment)

334.8.3 TRAINING FOR ADMINISTRATION OF EUTHANASIA

Only Animal Control officers who completed euthanasia training and California certification may administer sodium pentobarbital. The Animal Control officer must complete a curriculum of at least eight (8) hours that includes the following subjects:

- History and reasons for euthanasia
- Humane animal restraint techniques
- Sodium pentobarbital injection methods and procedures
- Verification of death
- Safety training and stress management for personnel
- Record keeping and regulation compliance for sodium pentobarbital.

At least five (5) hours of the curriculum shall consist of hands-on training in humane animal restraint techniques and sodium pentobarbital injection procedures. (Code of Regulations, Title 16, Section 2039)

334.8.4 DOCUMENTATION OF EUTHANASIA

There are two types of documentation required for euthanasia: the circumstances necessitating euthanasia and the use and storage of sodium pentobarbital

All euthanasia agent logs should contain the reason for euthanasia, such as: irremediably suffering/sick, parvo virus or distemper, or too young or new born animals.

These reasons may be included in both the officer euthanasia logs and shelter software system.

All euthanasia agent logs should be reviewed by the Animal Control Supervisor on a regular basis to ensure compliance with policies.

ANIMAL CONTROL PROCEDURES

334.9 USE AND STORAGE OF SODIUM PENOBARBITOL

Officers should document the amount of sodium pentobarbital administered to the animal in the Department's euthanasia agent log.

Each bottle of sodium pentobarbital should be stored in a locked safe in the Animal Control office until assigned to individual officers.

Upon receipt of the drug, officers should record the bottle number and the date issued in the inventory log. The officers should also sign the log.

While in the field, officers should store the drug in the safe secured inside the Animal Control truck. Any unused drug should be returned to the locked safe in the Animal Control office, with the officer signing the inventory log to document the return.

Any missing bottle of sodium pentobarbital should be reported as soon as practicable to the Animal Control Supervisor.

334.10 RECORD MANAGEMENT SYSTEM

The following information should be recorded in the Department's record management system:

- The date the animal was euthanized, or impounded.
- The circumstances under which the animal was euthanized or impounded.
- The names of the personnel who euthanized or impounded the animal.
- A description of any medical treatment provided to the animal and the name of the veterinarian of record.

334.11 DEAD ANIMAL REMOVAL

BMC 6.04.190(A): Officers are responsible for picking up dead animals upon any of the public streets, alleys, sidewalks, lanes or other public places or on property of any person other than the animal owner, within the city, to transport the same for proper disposition. (BMC 6.04.190(A))

Officers handling the disposal of large, stray animals and livestock should coordinate with a local rendering company.

334.12 USE OF TRANQUILIZERS OR TASERS

Tranquilizer and Taser equipment shall be issued and used by officers with proper authorization and/or training.

334.12.1 GENERALLY APPROVED USES

- (a) To immobilize a dog that has bitten a human being where reasonable capture efforts have been unsuccessful.
- (b) To immobilize an animal causing a genuine and ongoing public nuisance or is in the act of menacing or attacking people or other animals, given that all other reasonable efforts have been exhausted.

ANIMAL CONTROL PROCEDURES

- (c) To immobilize an injured wild animal for the purpose of rescue, relocation or euthanasia.
- (d) For any other reason authorized by the on-duty

334.12.2 GENERAL GUIDELINES REGARDING THE USE OF TRANQUILIZERS OR TASERS

Use of tranquilizers or Tasers should only be attempted after other appropriate attempts have failed.

Tasers: Please refer to Department's Taser Policy Guidelines #309.

Tranquilizers: No authorized uses of tranquilizers are in effect at this time.

334.12.3 DOCUMENTATION OF TASER USE

Officers should complete appropriate documentation detailing the incident whenever a Taser is used.

The Animal Control Supervisor should record all Tasers issued and create an inventory on a regular basis. Missing equipment should be reported to the Lieutenant as soon as reasonably practical after discovery.

334.12.4 MANDATED TRAINING FOR HANDLING EQUIPMENT

Prior to using tranquilizers or Tasers, officer must complete the training requirements below:

- Successful completion of Penal Code §832 class.
- All officers utilizing Taser equipment shall re-qualify annually.

334.12.5 STORAGE AND SAFE HANDLING OF TASERS

Only officers authorized to use Tasers are allowed to carry such equipment.

When not in use, Tasers should remain inside the vehicle or in their normal secure storage location. Vehicles should be securely locked whenever officers leave their patrol vehicle with the equipment inside.

The equipment should not be loaded, unloaded, tested, or discharged within any vehicle unless conditions require it.

Officers are prohibited from firing from moving vehicles except when necessary to protect persons from serious injury or death from an animal or when no other method of approach is practical.

Tasers are to be secured in a holster on the officer's person.

334.12.6 WHEN ANIMAL DEATH OCCURS

The officer should submit a report of the event describing the behavioral and physical condition of the animal, reactions, and any other factors that may have contributed to the animal's death.

SERVICE ANIMALS

335.1 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).

335.1.1 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)).

335.2 POLICY

It is the policy of the Bakersfield Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

335.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

SERVICE ANIMALS

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

335.3 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 Bakersfield Police Department affords to all members of the public.

If an animal 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 owner 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 animal. 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 the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner 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 officer should ask the individual only the following questions:

- 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 person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

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.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

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.

SERVICE ANIMALS

335.4 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 Bakersfield Police Department affords to all members of the public (28 CFR 35.136).

335.4.1 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.

UNDERCOVER OPERATIONS

336.1 PURPOSE AND SCOPE

Undercover operations present unique and inherent risks for involved officers and agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning will tend to reduce the risks involved with these incidents. It is understood that all conceivable outcomes cannot be planned for. This policy establishes procedural guidelines for the preparation, documentation, implementation and management of undercover operations of the Bakersfield Police Department.

336.1.1 DEFINITIONS

Undercover Officer - A sworn peace officer working in a capacity where their identity as a peace officer is intentionally concealed.

Undercover Operative (UC) – An undercover officer who is utilized in an undercover operation to interact with non-law enforcement entities to accomplish the goals of the operation.

Undercover Operation – A planned act to utilize an undercover operative to accomplish a specific goal, to intentionally interact with a suspected criminal violator, or to obtain some sort of physical evidence of criminal activity. As a general rule regular surveillance by peace officers regularly assigned as undercover officers, i.e. Vice/Narcotics and Auto Theft details, is not considered an undercover operation. For the purposes of this policy undercover operations means those operations where an undercover operative is physically interacting with non-law enforcement entities to accomplish the operation's goal. Making telephone contact is not considered an undercover operation under this policy.

Bust – The point of an undercover operation where the undercover operative has accomplished the goal of the operation and they are prepared for the enforcement team to intervene.

Rescue – The point of an undercover operation where the safety of the undercover operative is being compromised to the point that they are under threat of becoming the victim of violent crime.

336.2 TRAINING

All personnel assigned to the Vice/Narcotics detail, along with all personnel who assist with operations dealing with California Penal Code section 647, shall attend training prior to an operation which shall include, but is not limited to: instruction on the definition and elements of the targeted criminal offense; consistent enforcement of the law regardless of the gender(s) and/or sexual orientation of suspected criminal violator; and, appropriate investigative techniques which adhere to state and federal law.

336.3 PREPARATION OF UNDERCOVER OPERATION

It shall be the responsibility of the lead investigator to utilize due diligence to appropriately identify the goals and available known risks of the operation. The lead investigator will under no circumstances act as the undercover operative. The undercover operative shall have no

UNDERCOVER OPERATIONS

investigative involvement with the case being investigated. The lead investigator will communicate the goals of the operation with their supervisor in order to determine the known hazards and potential risks of the operation. An appropriate plan will be developed to deploy sufficient resources commensurate with the anticipated threat level to limit the exposure of the undercover operative to risk during the operation. The undercover operative selected requires supervisor approval.

336.4 DOCUMENTATION

All undercover operations as defined by this policy will be documented with an Operational Plan as outlined in the Bakersfield Police Department Policy – Operational Plan and Policy.

336.5 IMPLEMENTATION

The lead investigator will conduct a briefing of all involved personnel prior to execution of the undercover operation. Personnel will include, at a minimum, the lead investigator, the undercover operative, member(s) of the enforcement/rescue team, and the operation supervisor. Only those personnel present for the briefing will participate in the undercover portion of the operation. The Operational Plan should be the only document referred to in the briefing and should contain all the information specific to the undercover operation. The briefing will review in detail the role of the undercover operative, the goal of the undercover operation specifically, and the actions or activity that will activate a “bust” or “rescue” response. Photographs will be taken of the undercover operative in the state of dress they will be conducting the operation in prior to the execution of the operation. Pertinent case history should be included in the Operational Plan for the undercover operation. The operation requires approval of the division lieutenant.

336.6 MANAGEMENT

The lead investigator will ensure that the enforcement/rescue team is positioned in an area where they can access the undercover operative in an efficient manner. The supervisor of the undercover operation shall be present for the briefing and duration the undercover operative is utilized.

BIOLOGICAL SAMPLES

337.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

337.2 POLICY

The Bakersfield Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

337.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

337.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

337.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

BIOLOGICAL SAMPLES

337.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

337.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

337.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

337.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

337.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

Bakersfield Police Department

Bakersfield PD Policy Manual

BIOLOGICAL SAMPLES

337.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

337.6.3 LITIGATION

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

OBTAINING AIR SUPPORT

338.1 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.

338.2 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.

338.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After a request for a helicopter is made, the Communications Center will call the closest agency having helicopter support available. The Communications Center will apprise that agency of the specific details of the incident prompting the request.

338.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions :

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a fleeing suspect, whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

AUTOMATIC VEHICLE LOCATING SYSTEM (AVL)

339.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the implementation and use of the Automatic Vehicle Locating System (AVL). The system is designed to increase officer safety by providing the ability to locate personnel who have lost contact with the Communications Center or other units, to maximize limited resources by aiding in the dispatch of the closest units to priority calls for service, and to enhance coordination and resource management during tactical situations.

339.2 POLICY

The Automatic Vehicle Location System (AVL) will be installed via Mobile Data Computer (MDC) in all marked patrol vehicles. It will also be installed in other vehicles at the discretion of the Chief of Police.

The AVL system shall be configured so that it is "on" any time the unit is on duty. Once a unit and vehicle is on duty, the system should remain on. Personnel shall not tamper with the power supply, or in any way attempt to disable the AVL unit or alter its function.

339.3 ACCESS

The system includes a mapping capability to enable the viewing of maps showing the location of other units on MDC screens in the patrol vehicles. The Watch Commanders and Communications Center will have the ability to monitor the location of all vehicles. Personnel who need to review AVL data to assist in the accurate completion of a report shall do so by contacting the Watch Commander.

The AVL system has the ability to keep a historical record of the location of all equipped vehicles. AVL data needed for court or an administrative review will be obtained by submitting a written request to the Electronic Data Clerk in the Communications Center.

AVL data is stored in compliance with the City of Bakersfield's Retention Schedule along with all CAD data. These logs are currently subject to the same records retention schedule as all other CAD data.

339.4 USE

The AVL system automatically reports unit positions at varying intervals, based on a number of factors. Reporting frequency will change based on:

- (a) Changes in location
- (b) Vehicle speed
- (c) Call type

AUTOMATIC VEHICLE LOCATING SYSTEM (AVL)

(d) Other technical factors

339.5 EMPLOYEE RESPONSIBILITIES

A. Equipment

Imbedded in the mobile data computer (MDC) is a GPS device. Intentional misuse or abuse of the MDC or AVL/GPS will result in disciplinary action.

1. The MDC will remain docked and the docking latch will be in the locked position when the vehicle is in motion.
2. Employees will not intentionally disrupt the AVL/GPS signal.
3. There is no expectation of privacy concerning your vehicle location.

B. Field Personnel Responsibility

1. At the beginning of their shift, officers, animal control officers, and police service technicians will sign on to their assigned MDC and ensure the AVL/GPS is functioning correctly and communicating with the CAD system.
2. Log off at the end of shift.
3. Any problems preventing the use of the AVL/GPS function during the shift will be reported to their immediate supervisor, as soon as possible.
4. Problems that cannot be remedied will be reported to the IT Help Desk.

C. Dispatch Responsibility

Communications Center personnel will review and consider the AVL/GPS information when determining which unit to dispatch and dispatch the closest unit, if practical, to:

- (a)
 1. Priority One Calls for Service
 2. Priority Two Calls for Service
 3. Priority Three Calls for Service
 4. Priority Four Calls for Service
 5. All Animal Control calls for service
 6. Any officer initiated request for an additional unit
 7. AVL/GPS dispatching may be used in any situation where the safety of field personnel will be enhanced by the use of AVL/GPS.

Absent unusual circumstances, AVL/GPS will not be used to dispatch Priority Five or lower priority calls for service.

FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES

340.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Bakersfield Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

340.2 POLICY

The Bakersfield Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

340.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES

340.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

Bakersfield Police Department

Bakersfield PD Policy Manual

FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES

340.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

340.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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

Bakersfield Police Department

Bakersfield PD Policy Manual

FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES

Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

DETENTION/STOP DATA COLLECTION POLICY

341.1 PURPOSE AND SCOPE

The Racial and Identity Profiling Act of 2015 (Assembly Bill 953), otherwise known as RIPA, enacted California Government Code 12525.5 which requires state and local law enforcement agencies to collect and annually report specified data regarding stops and detentions of individuals. This data includes information related to the date, time, duration, reason, and result of the stop as well as additional subjective factors relating to the officer's perception of the person stopped. The completion of this stop data is mandatory and completely independent of other existing documentation (i.e., General Offense report, Street Check, etc.).

The Bakersfield Police Department recognizes the importance of impartiality and objectivity during the course of our daily activities, particularly with regard to the stops and detentions of community members. In an effort to better assess these actions, as well as comply with the legal requirements set forth in GC 12525.5, the Bakersfield Police Department will utilize a supplemental web-based program provided by the California Department of Justice to collect the necessary data elements from each stop resulting in a search as well as every detention in order to identify and address any concerns that may conflict with our organizational values. Refer to Section 342.2 for the definitions of "stop" and "detention" as it pertains to this policy.

Certain data elements are required which rely on an officer's perception of the individual stopped; see items "c" through "h" below in subsection 342.3. For purposes of this policy, perception is the process by which an officer recognizes and interprets sensory information to draw a conclusion about the person being detained or searched. This perception is based only on personal observations, and personnel shall not take into account any other opinion or input when submitting stop data entries. Verbal responses from a person(s) stopped or written documentation will not be used to form and/or confirm a perception (i.e., driver's license). Perception can be decided prior to, during, or after the stop.

341.2 DEFINITIONS

For purposes of the regulations related to GC 12525.5, the following definitions shall apply:

- "Detention" means a seizure of a person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer.
- "Stop" means (1) any detention of a person by a peace officer; or (2) any peace officer interaction with a person in which the officer conducts a search.
- "Search" means a search of a person's body or property in the person's possession or under his or her control, and includes a pat-down search of a person's outer clothing as well as a consensual search.

DETENTION/STOP DATA COLLECTION POLICY

341.3 DETENTIONS/STOP DATA COLLECTION ELEMENTS

Government Code 12525.5 outlines the following information that must be captured for each stop or detention:

- (a) Originating agency identifier;
- (b) The time, date, duration, and location of each stop;
- (c) Perceived race or ethnicity of person stopped;
- (d) Perceived gender of person stopped;
- (e) Whether the person stopped is perceived to be lesbian, gay, bisexual, or transgender (LGBT);
- (f) Perceived age of person stopped;
- (g) Whether the person stopped is perceived to have limited or no English fluency;
- (h) Perceived or known disability of person stopped;
- (i) The reason for the stop (The reason for the stop section requires a brief explanation [no more than 250 characters] which includes additional detail beyond the data value selected);
- (j) The result of the stop, such as - no action, warning, citation, property seizure, or arrest;
- (k) If a warning or citation was issued, the warning provided or violation cited;
- (l) If an arrest was made, the offense charged;
- (m) Stop made in response to a call for service;
- (n) Action taken by officer(s) during the stop, such as - person removed from vehicle, handcuffed, impact weapon used, etc.;
- (o) Basis for search, such as - consent, search warrant, condition of parole or probation, canine detection, etc. (The basis for the search section requires a brief explanation [no more than 250 characters] which includes additional detail beyond the data value selected);
- (p) Contraband or evidence discovered, such as - none, firearm, currency, drugs, etc.;
- (q) Basis for property seizure, such as - safekeeping, evidence, abandoned property, etc.;
- (r) Type of property seized, such as - firearm, currency, drugs, vehicle, etc.;
- (s) Officer's identification number (Not a badge number);
- (t) Officer's years of experience;
- (u) Type of assignment, such as - SEU, Patrol, Traffic, Impact, etc.

One of the mandates of the stop data collection is to do so with anonymity of all involved parties. Personnel shall not include any identifying personal information (i.e., name of the individual, license plate number, date of birth, etc.) of the person being stopped in any free-text field or on any other portion of the stop data form. Likewise, no personal information will be entered regarding the officer's identity (i.e., name of officer, badge number, etc.).

DETENTION/STOP DATA COLLECTION POLICY

341.4 SWORN PERSONNEL RESPONSIBILITIES

Sworn personnel of all ranks shall complete a stop data form for every person detained or searched, regardless of the initial reason for the encounter (call for service or proactive policing). Submissions will be completed prior to the end of shift in which the encounter occurred, unless exigent circumstances arise and are otherwise approved by a ranking officer. In all circumstances, the submission should be completed as soon as practical upon completion of the stop.

When there are multiple officers on scene interacting with the detained or searched person(s), only one officer shall make a stop data entry. This entry will be completed by the officer with the greatest degree of contact or interaction and all actions taken by each officer(s) shall be included in the single entry (i.e., two separate officers use different levels of force to detain a subject; both use of force types will be captured on a single entry of the detained person).

When multiple agencies are involved with the detention or search of a person(s), the primary agency shall be responsible for the stop data entry. Prior to clearing each detention or stop, officers will coordinate with allied agency personnel to ensure the stop data entry responsibilities are clearly understood. Officers are reminded the stop data collection requirements apply to state and local agencies only; federal agencies such as the Federal Bureau of Investigation or Drug Enforcement Agency are not responsible for these entries, which may prompt an entry by Department personnel if our involvement meets the criteria outlined in this policy.

341.5 EXCEPTIONS TO COMPLETION REQUIREMENTS

For purposes of the stop data collection, the following interactions are not considered “detentions” and shall not be reported as stops:

- (1) Stops or detentions that occur during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes and other similar critical incidents.
- (2) Stops or detentions that occur during an active shooter incident, such as when an individual is actively engaged in killing or attempting to kill people in a populated area.
- (3) Stops or detentions that occur during or as a result of routine security screenings required of all persons to enter a building, school or special event, including metal detector screenings, and including any secondary searches that result from that screening.
- (4) Stops or detentions that occur during a crowd control situation in which pedestrians are directed to remain at a location or routed to a different location for public safety purposes.
- (5) Interactions during which persons are detained at a residence, only so that officer(s) may check for proof of age for purposes of investigating underage drinking.
- (6) Checkpoints or roadblocks in which an officer(s) detains a person as a result of a blanket regulatory activity that is not based on an individualized suspicion or personal characteristic.
- (7) Passenger(s) of traffic stops who are not the subject of an investigation or enforcement action.

DETENTION/STOP DATA COLLECTION POLICY

(8) The targeted subject(s) of a warrant, search condition, home detention, or house arrest while in their residence.

(9) Consensual encounters that do not result in a search.

341.6 MANAGEMENT AND REPORTING

The management and oversight of the detention and stop data collection will fall under the scope of the Quality Assurance Unit. The Quality Assurance Lieutenant will coordinate audits, training, and reviews to ensure all personnel are in compliance with this policy. The Quality Assurance Lieutenant will also be responsible for providing quarterly reports to the Chief of Police, or his designee, for organizational review.

Pursuant to the Government Code 12525(a)(2), the Bakersfield Police Department will report calendar year stop data to the Attorney General's Office no later than April 1st of each subsequent year. At the direction of the Chief of Police, the Records Section will submit the annual report to the Attorney General's Office after it has been reviewed for accuracy and completion.

Chapter 4 - Patrol Operations

WATCH COMMANDERS

400.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

400.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.

PATROL FUNCTION

401.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

401.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Bakersfield, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

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

401.1.2 TERRORISM

It is the goal of the Bakersfield Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor and a Terrorism Liaison Officer (TLO) as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Street Check. The supervisor should insure that all terrorism related reports and Street Checks are forwarded to the Homeland Security Liaison coordinator in a timely fashion.

401.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Bakersfield Police Department.

PATROL FUNCTION

401.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports created by CAU will be distributed to all divisions within the Department through daily and special bulletins.

401.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer or police service technician who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

401.2.3 PATROL BRIEFINGS

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

401.2.4 DAILY BRIEFING BINDER

The daily briefing binder will be maintained in the Communication Center and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol checks, the wanted persons notices and other written directives.

401.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Investigations Division for display of suspect information, intelligence reports and photographs. New Departmental directives will be provided as a policy update or written memorandum. These new directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings.

401.3 CROWDS, EVENTS AND GATHERINGS

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

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

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

PATROL FUNCTION

401.3.1 CAMPUS LIAISON

A college or university in this jurisdiction should designate a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

401.4 POLICY

The Bakersfield Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

401.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of City of Bakersfield. 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.

RACIAL-OR-BIAS BASED PROFILING

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Bakersfield Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Bakersfield Police Department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on 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 Bakersfield Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

RACIAL-OR-BIAS BASED PROFILING

- (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.

402.5 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.
 - (a) Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) 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 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Lieutenant and the department head or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding citizen complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

402.7 ADMINISTRATION

Each year, the department's division commanders should review the efforts of the department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

Bakersfield Police Department

Bakersfield PD Policy Manual

RACIAL-OR-BIAS BASED PROFILING

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the training lieutenant.

- (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)).

BRIEFING TRAINING

403.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new General Orders or changes in General Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

403.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

CRIME AND DISASTER SCENE INTEGRITY

404.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

404.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue to do so until he/she is relieved by a supervisor.

404.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder should reasonably attempt to take 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, the availability of resources, capacity of personnel and totality of each circumstance:

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information, including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Evacuate the location as required.
- (e) Secure the inner and outer perimeter if needed.
- (f) Protect items of apparent evidentiary value.
- (g) Identify potential witnesses.
- (h) Start a chronological log noting critical times and personnel allowed access.

404.2.2 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).

404.2.3 TEMPORARY FLIGHT RESTRICTIONS

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration

CRIME AND DISASTER SCENE INTEGRITY

(Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Watch Commander.

404.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

404.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

SWAT

405.1 PURPOSE AND SCOPE

The SWAT team is comprised of two specialized teams: the Crisis Negotiation Team and the Special Weapons and Tactics Team (SWAT). This team may be regularly augmented by members of EOD and K-9 Unit. SWAT has been established to provide specialized support in handling critical field operations where negotiations and/or 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 2019 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

405.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Procedures serve 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. The manual further explains the operational and administrative procedures.

405.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units.

405.1.3 CRISIS NEGOTIATION TEAM DEFINED

The Crisis Negotiation Team is a specialized component of SWAT and has been established to provide trained and skilled verbal communicators who may be utilized as a tactic to attempt to de-escalate and effect surrender in critical situations. Examples include situations where suspects have taken hostages, and/or barricaded themselves, as well as prolonged or predictable situations in which persons armed or suspected of being armed, pose a danger to themselves or others.

405.2 POLICY

It shall be the policy of this department to provide the equipment, personnel, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform basic operational functions; including but not limited to:

- (a) Command and Control
- (b) Containment/Long Rifle/React/Entry/Apprehension/Rescue
- (c) Dignitary and public security operations

It is difficult to categorize specific capabilities for critical incidents and the experience level of team personnel, administrators and potential incident commanders may vary. Nothing in this policy shall

SWAT

prohibit SWAT from responding to a situation that exceeds their training levels due to the exigency of the circumstances, as the preservation of innocent human life is paramount.

405.2.1 OPERATIONAL CAPABILITY ASSESSMENT

A continual assessment of the SWAT team's capabilities and limitations should be conducted by the SWAT Commander or their designee to determine the type and extent of operations appropriate to this department's SWAT team. This assessment should be consistent with the core competencies as outlined in the POST SWAT Operational Guidelines.

405.2.2 ADMINISTRATIVE PROCEDURES

This department should develop a manual that addresses the following administrative organizational procedures:

- (a) Team organization and function.
- (b) Personnel selection and retention criteria.
- (c) Training and required competencies.
- (d) Procedures for activation and deployment.
- (e) Command and control structure.
- (f) Multi-agency response.
- (g) Out-of-jurisdiction response.
- (h) Specialized functions and supporting resources.
- (i) Team capabilities.

405.2.3 OPERATIONAL PROCEDURES

The SWAT manual should be consistent with the POST SWAT Operational Guidelines and the Attorney General's Commission on SWAT. Since such procedures are specific to SWAT team members and will outline tactical and officer safety issues, they are not included within this policy.

405.3 TRAINING NEEDS ASSESSMENT

The SWAT/CNT Commander shall conduct a needs assessment on a regular basis to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

405.3.1 INDIVIDUAL TRAINING REQUIREMENTS

SWAT team operators, supervisors and commanders should not be deployed in their assigned roles until successful completion of their respective POST- certified SWAT courses or training equivalent. Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team member. Command and executive personnel are encouraged to attend training for managing the SWAT function at

SWAT

the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams. SWAT team operators and supervisors should complete update or refresher training as certified by POST, or its equivalent, every 24 months. A list of required and desired training should be contained in the manual.

405.3.2 SWAT TEAM TRAINING

Training shall be coordinated by the SWAT team Commander. The SWAT team Commander should ensure monthly training exercises are conducted that include a review and critique of personnel, their performance and their fitness. This should be outlined in the manual.

405.3.3 TRAINING DOCUMENTATION AND RETENTION

Individual and team training shall be documented and records maintained by the Department in accordance with the city's records retention schedule.

405.4 UNIFORMS, EQUIPMENT, AND FIREARMS

405.4.1 UNIFORMS

When reasonable, SWAT team members from this agency will wear uniforms and police identifiers that clearly identify them as law enforcement officers.

405.4.2 EQUIPMENT

The SWAT team from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

405.4.3 FIREARMS

Weapons and specialty equipment used by SWAT, the specialized units within, and the supporting resources, should be agency-issued or approved, including any modifications, additions, or attachments. This approval shall come from the Chief of Police or their designee which is the SWAT Commander or Range master.

405.5 MANAGEMENT/SUPERVISION OF SWAT

All members of the SWAT team shall be selected by the Chief of Police or designee, upon recommendation of staff.

405.5.1 PRIMARY UNIT MANAGER

Under the direction of the Special Operations Division Commander, the SWAT team shall be managed by a lieutenant.

405.5.2 TEAM SUPERVISORS

The Crisis Negotiation Team and the SWAT team will be supervised by a sergeant.

SWAT

405.6 DEPLOYMENT OF THE SWAT TEAM

The following procedures serve as guidelines for the deployment of SWAT. Generally, SWAT and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in situations not requiring the physical presence of CNT. Conversely, CNT may be activated without the deployment of the tactical component of the team. Additional components including K-9, UAS and EOD may also be deployed at the discretion of the SWAT Commander. The supervisor in charge on the scene of a particular event will assess whether the SWAT team is needed. Upon final determination by the Watch Commander, he/she will notify the SWAT Commander. The SWAT Commander will make appropriate notification to the Operations Division Commander or Duty Captain as necessary.

405.6.1 APPROPRIATE SITUATIONS FOR USE OF SWAT

Some examples of incidents that may result in the activation of the SWAT team may include but are not limited to hostage taking, barricaded suspects, snipers, terrorist acts, dignitary protection and other high-risk incidents where the deployment of the SWAT team could enhance the ability to preserve life. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

405.6.2 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/react 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 SWAT has arrived, all negotiations should generally be halted to allow CNT and SWAT time to set up.
- (f) Be prepared to brief the SWAT Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

405.6.3 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT team at the scene, the Incident Commander shall brief the SWAT team supervisors about the situation. Upon review, it will be the SWAT team supervisors decision, whether to deploy the SWAT team. The SWAT team Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the outer perimeter

Bakersfield Police Department

Bakersfield PD Policy Manual

SWAT

security, and support for the SWAT team. The Incident Commander and the SWAT Commander (or his or her designee) shall maintain communications at all times.

405.6.4 COMMUNICATION WITH CRISIS NEGOTIATION TEAM PERSONNEL

All of those persons who are non-SWAT personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team sergeant or his or her designee.

HAZARDOUS MATERIAL RESPONSE

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

406.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by a supervisor in a Supervisor Accident Report Form that shall be forwarded via chain of command to the Commanding Officer.

Bakersfield Police Department

Bakersfield PD Policy Manual

HAZARDOUS MATERIAL RESPONSE

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through Planning Research and Training. Safety items not maintained by the Department will be obtained through the Fire Department.

HOSTAGE AND BARRICADED INCIDENTS

407.1 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.

407.1.1 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.

407.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by the Bakersfield Police Department "Use of Force" Policy, with particular regard directed toward the safety of hostages.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise

Bakersfield Police Department

Bakersfield PD Policy Manual

HOSTAGE AND BARRICADED INCIDENTS

flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.4 REPORTING

Unless otherwise relieved by a supervisor, the initial officers at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

RESPONSE TO BOMB CALLS

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Bakersfield Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety of the public should always be the primary consideration.

408.2 POLICY

It shall be the policy of the Bakersfield Police Department to respond to all calls which involve bomb threats, suspicious objects, explosives or incendiaries, altered or illegal fireworks, and any post-blast scenes. These calls shall be dispatched as priority-one calls for service.

The Bakersfield Police Department Bomb Squad will also maintain the operational capabilities that support tactical response and integration with other teams within the Special Operations Division. These capabilities include but are not limited to explosives breaching, threat analysis, training, and general robotics support. The Bomb Squad Commander will report to the Special Operations Division Commander with operational readiness upon request. The Bomb Squad Commander will ensure all Bomb Squad training is conducted and documented in accordance with the FBI guidance as well as Special Operation Division standards.

408.3 RECEIPT OF BOMB THREAT

Officers investigating a bomb threat should obtain as much information from the reporting party, 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 department employee receiving the bomb threat should ensure the Watch Commander is immediately advised and informed of the details.

Officers on scene of a the bomb threat should ensure a field supervisor is immediately advised and informed of the details. This will enable the field supervisor to make sure the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 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 may provide a uniformed law enforcement response.

RESPONSE TO BOMB CALLS

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

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

408.5 SUSPICIOUS OBJECTS

It is recognized that officers routinely respond to calls involving suspicious objects (these are often backpacks, suitcases, duffle bags, thermoses, etc.). These calls (as all other calls involving potential explosives) shall be dispatched as priority one calls.

If a device or suspicious object is located, officers shall immediately notify a field supervisor and request Bomb Squad personnel (at no time shall officers handle such calls by handling, examining, searching through or seizing the objects themselves). Officers shall evacuate the area and establish a perimeter. The ideal minimum safe distance in most cases is three hundred feet (roughly one city block). If the device is located in an open area, such as a parking lot or vacant field, the minimum safe distance is one thousand feet.

The officer locating the device should attempt to record as complete a description of the device and its location as possible (noting nearby hazards such as gas lines, flammable storage tanks, etc.). Viewing the device for this purpose should be accomplished from as far away as possible, by use of binoculars. At no time should an officer loiter in the area of a destructive device or possible explosive device.

Officers should not touch, move or in any other way disturb the device or object, no matter how small or harmless it may appear. Leave the surrounding area as it was found. For example, do not turn lights or appliances on or off. However, if an officer has opened a door leading to the object, an effort should be made to keep that door open when they exit.

Personnel should not spend more time near a suspicious object than is absolutely necessary. Once the scene is evacuated, do not allow any persons to re-enter until authorized to do so by Bomb Squad personnel.

408.6 EXPLOSION SCENES

If a destructive device, either explosive or incendiary, has "detonated" the crime scene investigation will be conducted by Bomb Squad personnel. When persons are seriously injured or killed by use of these materials, the Bomb Squad shall work with, and in support of, the Robbery/Homicide Detail, providing technical expertise throughout the investigation.

On all explosion scenes (explosives or incendiaries), the responding officer shall notify a field supervisor and the Bomb Squad shall be notified. Response considerations will be the responsibility of the Special Operations Division Commander in coordination with the Bomb Squad Commander. In no case shall a post-blast scene, including those resulting from an incendiary

RESPONSE TO BOMB CALLS

device (e.g. Molotov cocktail) be turned over to the fire department without prior approval of the Special Operations Division Commander or his designee.

Officers responding to explosion scenes shall observe radio precautions. Once on scene, a perimeter shall be established as soon as possible, and access should be limited to necessary emergency personnel and vehicles. The impacted area should be evacuated using the evacuation guidelines in this policy.

Personnel at the scene of an explosion must remain aware of the potential for multiple devices and secondary hazards. If a search of the scene for survivors / victims is necessary, officers should conduct the search as quickly as possible, disturbing no more of the scene than necessary. They should then retreat to the perimeter and stand by.

Officers at the scene of an explosion, must not generate radio transmissions, nor allow others to do so until cleared by Bomb Squad personnel.

408.7 FOUND EXPLOSIVE ORDNANCE

Officers responding to calls of found explosives or military ordnance will observe the same precautions as for all other explosives related calls (no radio transmissions, recon from a distance, etc.). If an approach becomes necessary, approach military ordnance from the rear at a 45 degree angle. Officers should not stand directly in front of, or behind military ordnance.

If the item is believed to be possible explosives or military ordnance, officers must notify a field supervisor, request the Bomb Squad and establish a safe and effective perimeter.

408.8 FIREWORKS

All fireworks that have been altered in any way pose a serious threat, and normally fall under Penal Code section 16460, "Destructive Devices. The following fireworks related incidents require notification of Bomb Squad personnel:

- * Improvised or altered fireworks
- * Illegal fireworks designed to explode (e.g. "M-80's", aerial display shells, etc)
- * When seizing a cache of fireworks (Safe-N-Sane or otherwise) which are deteriorated or are leaking contents
- * When officers encounter a subject or location involved in illegal fireworks manufacture

All other fireworks encountered in a criminal setting, and which are to be seized, shall be booked into property in accordance with department policy. In no case shall fireworks (Safe-N-Sane or otherwise) be released or turned over to any other agency without approval of the Bomb Squad Commander.

408.9 AUTOMOTIVE AIR BAGS

Officers should be aware that devices /objects which they may not normally associate with an explosive threat, may in fact contain explosives. Until the charge is deployed, automotive air

Bakersfield Police Department

Bakersfield PD Policy Manual

RESPONSE TO BOMB CALLS

bags contain a small explosive charge. These charges are capable of seriously injuring or killing personnel, and should be treated like any other explosive. Officers encountering automotive air bags which are not installed in a vehicle, or that may have been altered must contact a field supervisor and request the Bomb Squad.

408.10 REPORTING

Any reported act which involves the illegal manufacture, use, sale, threat of or possession of any bomb, improvised explosive(s), or incendiary device(s), or explosive material(s) shall be documented, no matter how minor the incident may appear. At the time any of these acts comes to the attention of any member of the Bakersfield Police Department, the handling department member shall notify the Bomb Squad Commander, the Special Operations Division Commander, and an officer from the Terrorism Liaison Officer (TLO) or his designee shall be contacted and advised of the circumstances.

A general offense report shall be accomplished on all calls involving bomb threats, suspicious objects, found explosives / ordnance, incendiaries, explosions and related calls.

The following UCR codes will be used:

- * Suspicious objects determined by the Bomb Squad NOT to contain explosive or incendiary material. - UCR 7000-26
- * Bomb threats - UCR 5215-0
- * Threats to burn , " UCR 5216 -0
- * All other crimes related to the possession and /or transportation of explosives are located in the weapons section - UPC 5204 through 5211.

408.11 INVESTIGATIONS

Except as noted elsewhere in this policy, all investigations and follow-up on these offenses shall be the responsibility of the Bomb Squad; therefore, such cases shall be routed to the Bomb Squad.

408.12 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Bakersfield, 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

RESPONSE TO BOMB CALLS

- (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.

408.12.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander and the on scene supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander and on scene supervisor determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.13 FOUND DEVICE

When responding to such calls, Bakersfield Police Department personnel shall code-off at least one quarter mile from the location and shall not transmit at the scene unless authorized to do so by Bomb Squad personnel. 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.

RESPONSE TO BOMB CALLS

- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

408.14 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.

408.14.1 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, blood borne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.

RESPONSE TO BOMB CALLS

- (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.

408.14.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

408.14.3 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.

408.14.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

RAPID RESPONSE AND DEPLOYMENT

409.1 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.

409.2 POLICY

The Bakersfield Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

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

409.3 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

RAPID RESPONSE AND DEPLOYMENT

- (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).

409.3.1 INCIDENT COMMAND

The first officer on the scene who is not part of a Contact Team or Rescue Team, will:

- (a) Establish a command post and will be the Incident Commander until relieved by a ranking officer. If necessary, he/she may use his/her patrol vehicle for a command post.
- (b) Designate and advise of a safe staging area for arriving personnel.
- (c) Order the dispatcher to initiate the major incident notification matrix. It is expected that a supervisor will be on scene quickly. In the event a supervisor's response is delayed, this officer will fulfill other incident commander responsibilities including:
 - 1. Form additional contact and rescue teams, as necessary
 - 2. Call for mutual aid from other agencies, as necessary
 - 3. Appoint a media relations officer and group the media in a safe location (This is very important as live news coverage may compromise the safety of officers, victims and by-standers.)
 - 4. Assign an officer to act as a scribe to document all activity at the command post
 - 5. Arrange a safe staging area for medical units and treatment of the injured
 - 6. Post additional responding officers to guard crime scenes call for detectives, crime lab, and any other resources at his disposal to bring the incident to a conclusion. If the suspect is arrested or incapacitated, regular department procedures will be followed regarding the investigation and follow-up.

The Investigations Division will assume responsibility for the investigation. If the Contact Team contains the suspect, the Bakersfield Police Department SWAT Team will relieve them and negotiators will be used to affect surrender. Bakersfield Police Department SWAT Team Call-Out and Barricaded Subject/Hostage Policies and Procedures will be followed.

409.4 FIREARMS CONTROL

Officers responding to an Active Shooter situation should:

- Use only aimed directed fire at targets which can be identified as threatening death or serious bodily injury;
- As a general rule, do not use cover fire and

RAPID RESPONSE AND DEPLOYMENT

- Be sure of your target, what is between you and your target, and what is beyond your target.

409.5 EQUIPMENT

All members of the Bakersfield Police Department SWAT Team shall carry their assigned weapons and gear in their personal patrol vehicle at all times, both while on and off-duty. All other personnel who are authorized to carry the Colt AR-15 rifle in .223 caliber shall carry their rifle at all times while on duty.

409.6 TRAINING

The SWAT team Commander shall, with the approval of the Chief of Police, implement and maintain suitable tactical training for all sworn patrol personnel in order to deal effectively with an active shooter.

409.7 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.

409.8 PLANNING

The designated SWAT Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.

RAPID RESPONSE AND DEPLOYMENT

- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

409.9 TRAINING

The Training Lieutenant 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.
 - (a) 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).

DEATH INVESTIGATION

410.1 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.

410.2 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.

410.2.1 CORONER REQUEST

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

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

DEATH INVESTIGATION

- (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.

410.2.2 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.

410.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident with the Coroner's permission or approval. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

Bakersfield Police Department

Bakersfield PD Policy Manual

DEATH INVESTIGATION

410.2.4 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.

410.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

410.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

410.2.7 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)).

SENIOR AND DISABILITY VICTIMIZATION

411.1 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 Bakersfield Police Department members as required by law (Penal Code § 368.6).

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

411.1.1 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

SENIOR AND DISABILITY VICTIMIZATION

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

411.2 POLICY

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

411.2.1 ARREST POLICY

It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

411.2.2 ADHERENCE TO POLICY

All officers are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves an officer's deviation from this policy shall provide a written report to the Chief of Police that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to department protocols (Penal Code § 368.6(c)(27)).

The Chief of Police shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

411.3 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.

SENIOR AND DISABILITY VICTIMIZATION

- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

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

SENIOR AND DISABILITY VICTIMIZATION

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)).

411.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

411.4 QUALIFIED INVESTIGATORS

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

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

SENIOR AND DISABILITY VICTIMIZATION

2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

411.5 MANDATORY NOTIFICATION

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

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

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

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

SENIOR AND DISABILITY VICTIMIZATION

- (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
 - 1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing 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)).

411.5.1 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.

SENIOR AND DISABILITY VICTIMIZATION

- (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.

411.6 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

411.6.1 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)).

411.6.2 VERIFICATION OF PROTECTIVE ORDER

Whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the officer shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

SENIOR AND DISABILITY VICTIMIZATION

- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

411.7 INTERVIEWS

411.7.1 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.

411.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

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

411.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

411.8 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.

SENIOR AND DISABILITY VICTIMIZATION

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.

411.9 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.

411.9.1 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.

411.9.2 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.
- (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.

411.10 RECORDS BUREAU RESPONSIBILITIES

The Records Section 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.

SENIOR AND DISABILITY VICTIMIZATION

411.11 JURISDICTION

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

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

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

411.12 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.

411.12.1 MANDATORY TRAINING

The Training & Logistics Division Lieutenant shall ensure that appropriate personnel receive the required training, including:

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

SENIOR AND DISABILITY VICTIMIZATION

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

411.13 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

SENIOR AND DISABILITY VICTIMIZATION

capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

- (a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any 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

Bakersfield Police Department

Bakersfield PD Policy Manual

SENIOR AND DISABILITY VICTIMIZATION

the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

3. False imprisonment, as defined in Section 236 of the Penal Code.
 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:
1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
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.

SENIOR AND DISABILITY VICTIMIZATION

- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 - 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 - 2. Rape, as defined in Section 261 of the Penal Code.
 - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 - 4. 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.

411.14 CHIEF OF POLICE RESPONSIBILITIES

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

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:
 - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).

SENIOR AND DISABILITY VICTIMIZATION

2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
 3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
 - (d) Ensure an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
 - (e) Ensure a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
 - (f) Ensuring that all members carry out their responsibilities under this policy.
 - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
 - (h) Ensure this policy is available to the Protection and Advocacy Agency upon request.

411.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

Bakersfield Police Department

Bakersfield PD Policy Manual

SENIOR AND DISABILITY VICTIMIZATION

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

CHILD ABUSE

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Bakersfield Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

412.1.1 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).

412.2 POLICY

The Bakersfield Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

412.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1);

CHILD ABUSE

neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

412.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

412.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of known or suspected child abuse or neglect to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

412.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.

CHILD ABUSE

- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) If the officer determines Child Protective Services should be involved due to the seriousness of the allegations, for assistance in the investigation, or for other services, etc., the officer shall request that a social services worker respond to the incident.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

412.6 PROTECTIVE CUSTODY

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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

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.

CHILD ABUSE

3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 2. There is no lawful custodian available to take custody of the child.
 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or Penal Code § 278.5.

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

412.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

412.7 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

412.8 DRUG-ENDANGERED CHILDREN

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

Bakersfield Police Department

Bakersfield PD Policy Manual

CHILD ABUSE

412.8.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

412.8.2 OFFICER RESPONSIBILITIES

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

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

412.9 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

412.9.1 RELEASE OF REPORTS

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

Information related to the identity of all persons who report child abuse or suspected child abuse shall be confidential and disclosed only among agencies receiving or investigating mandated reports. (Penal Code 11167 (d)(1).

412.9.2 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation (Penal Code § 11174.32).

412.10 TRAINING

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

CHILD ABUSE

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

MENTAL ILLNESS COMMITMENTS

413.1 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).

413.2 POLICY

It is the policy of the Bakersfield Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

413.3 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

413.3.1 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 officer 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, officer should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

413.3.2 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 retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a

MENTAL ILLNESS COMMITMENTS

verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

413.4 TRANSPORTATION

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Procedures. 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, a supervisor should be conducted before transport commences.

413.4.1 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 Investigations Division, which may file a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).
- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

413.5 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

MENTAL ILLNESS COMMITMENTS

provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officer will not apply facility-ordered restraints.

413.6 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's involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

413.6.1 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).

413.7 CRIMINAL OFFENSES

Officer 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.

MENTAL ILLNESS COMMITMENTS

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

413.8 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).

413.9 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.

Hate Crimes

414.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Bakersfield Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

414.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

Hate Crimes

motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
 - 1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

Hate Crimes

- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship

Hate Crimes

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

414.1 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.

414.1 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

414.1.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

Bakersfield Police Department

Bakersfield PD Policy Manual

Hate Crimes

- (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 § 6254.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

Bakersfield Police Department

Bakersfield PD Policy Manual

Hate Crimes

414.1.2 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 § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 - 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

Hate Crimes

414.1.3 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 § 6254.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

Hate Crimes

- (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.

414.2 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.

414.2.1 HATE CRIMES COORDINATOR

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

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

Bakersfield Police Department

Bakersfield PD Policy Manual

Hate Crimes

- (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 & Logistics Division Lieutenant 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 Section for mandated reporting to the Department of Justice.
- (l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Section Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Annually assessing this policy, including:
 - 1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
 - 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

414.2.2 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

Hate Crimes

- (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.

414.2 TRAINING

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

414.7 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

DOMESTIC VIOLENCE

415.1 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.

415.1.1 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.

415.2 POLICY

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

415.3 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.

415.4 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

DOMESTIC VIOLENCE

- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations 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.

DOMESTIC VIOLENCE

415.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

415.4.2 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.

415.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

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

415.6 DISPATCH ASSISTANCE

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

DOMESTIC VIOLENCE

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.

415.7 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).

415.8 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.

DOMESTIC VIOLENCE

415.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

415.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

Bakersfield Police Department

Bakersfield PD Policy Manual

DOMESTIC VIOLENCE

- (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).

415.9.2 COURT ORDERS

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

415.9.3 PUBLIC ACCESS TO POLICY

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

415.9.4 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

DOMESTIC VIOLENCE

- (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)).

415.9.5 RECORD-KEEPING AND DATA COLLECTION

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

415.9.6 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).

IDENTITY THEFT

416.1 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.

416.2 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.

TRESPASSING LAW ENFORCEMENT

417.1 POLICY

Officers are frequently called to businesses, supermarkets, and shopping malls and requested by the owner or manager to remove subjects who are on private property soliciting and/or petitioning for signatures.

Officers of the Bakersfield Police Department will continue to enforce P.C. 602.1 and arrest individuals who congregate and/or interrupt the flow of traffic in business doorways or loading areas, or otherwise disrupt normal business operations. However, officers should be aware of the following:

Penal Code section 602.1(c)(1) states: *P.C. 602.1 shall not apply to any person on the premises who is engaging in activities protected by the California Constitution or the United States Constitution.*

Officers should be aware that individuals reasonably exercising their First Amendment rights to solicit and/or petition for signatures on the grounds of privately owned businesses may be protected by the U.S. Constitution and the California Constitution. Officers who are called upon to remove individuals who are engaged in soliciting and/or petitioning for signatures, who are not congregating in and/or interrupting the flow of traffic in business doorways or loading areas, or otherwise disrupting normal business operations, should advise the owner or manager the matter is civil in nature.

When confronted with a situation of this nature officers should notify a supervisor or contact the city attorneys office prior to taking any action.

IMMIGRATION VIOLATIONS

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Bakersfield Police Department relating to immigration and interacting with federal immigration officials.

418.1.1 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.

418.2 POLICY

It is the policy of the Bakersfield Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

418.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

418.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

IMMIGRATION VIOLATIONS

418.3.2 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

418.3.3 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation.

418.3.4 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

418.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

418.4.1 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).

418.5 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

418.6 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any government entity from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

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

IMMIGRATION VIOLATIONS

- (b) Maintaining or exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

418.6.1 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

418.6.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The investigations division commander 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)).

418.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division supervisor assigned to oversee the handling of any related case. 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.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - (a) The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

IMMIGRATION VIOLATIONS

- (b) 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.

418.7.1 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.

418.7.2 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).

418.7.3 POLICE REPORTS

Upon request, an officer or supervisor shall ensure that a request has been forward to the Records Division on behalf of victim or authorized representative for a copy of the report filed is provided to the victim within seven days of a request (Penal Code § 679.10) by the victim.

418.8 TRAINING

The training lieutenant should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Bakersfield Police Department

Bakersfield PD Policy Manual

IMMIGRATION VIOLATIONS

418.9 CALIFORNIA PUBLIC RECORDS ACT

All records relating to ICE interviews, holds, notifications or transfers provided by the Bakersfield Police Department shall be considered a public record for purposed of the California Public Records Act (Govt. Code Section 7283.1(c))

418.10 COMMUNITY FORUM

Government Code Section 7283.1 became effective January 1, 2018. If applicable, the Bakersfield Police Department shall hold at least one community forum during the following year, that is open to the public, in an accessible location, and with at least 30 days' notice to provide information to the public about ICE's access to individuals and to receive and consider public comment (Govt. Code Section 7283.1(d)).

EMERGENCY UTILITY SERVICE

419.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

419.1.1 BROKEN WATER LINES

The City'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 City side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

419.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

419.1.3 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.

419.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

419.2 TRAFFIC SIGNAL MAINTENANCE

The City of Bakersfield maintains all traffic signals within the City, other than those maintained by the State of California.

419.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the City of Bakersfield Corporation Yard.

CONTACT AND TEMPORARY DETENTIONS

420.1 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.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When 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 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 officer 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, 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.

420.2 POLICY

The Bakersfield Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

CONTACT AND TEMPORARY DETENTIONS

420.3 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 Bakersfield Police Department to strengthen community involvement, community awareness, and problem identification.

420.3.1 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

420.4 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.

CONTACT AND TEMPORARY DETENTIONS

- (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.

420.5 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.

420.5.1 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 shall document that the photos were taken after the involved person provided consent.

420.5.2 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 should be retained in compliance with this policy.

420.5.3 DISPOSITION OF PHOTOGRAPHS

All photographs must be adequately labeled and submitted to DIMS with either an associated FI card or other documentation explaining the nature of the contact.

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.

- (a)

420.5.4 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.

CONTACT AND TEMPORARY DETENTIONS

420.6 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 Bakersfield Police Department members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

CRIMINAL ORGANIZATIONS

421.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Bakersfield Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

421.1.1 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.

421.2 POLICY

The Bakersfield Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

421.3 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.

421.3.1 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 Detail. Any supporting documentation for an entry shall be retained by the Records Detail in accordance with

CRIMINAL ORGANIZATIONS

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 Detail are appropriately marked as intelligence information. The Records manager may not purge such documents without the approval of the designated supervisor.

421.3.2 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 responsibility of the Special Enforcement Unit lieutenant or authorized designee 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 Special Enforcement Unit supervisors should ensure that assigned personnel forward reports or FIs to the Records Section 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 Section supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

CRIMINAL ORGANIZATIONS

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).

421.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

421.4.1 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 lieutenant with responsibility over the involved detail .
- (b) Should not be originals that would ordinarily be retained by the Records Detail or Property Room, but should be copies of, or references to, retained documents such as copies of reports, FI forms, communication 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.

421.4.2 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.

421.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.

CRIMINAL ORGANIZATIONS

- (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 Detail to train members to identify information that may be particularly relevant for inclusion.

421.6 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.

421.7 CRIMINAL STREET GANGS

The Special Enforcement Unit lieutenant 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.

421.8 TRAINING

The Training & Logistics Division Lieutenant 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.

CRIMINAL ORGANIZATIONS

- (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.

421.8.1 SHARED GANG DATABASE TRAINING

The Training & Logistics Division Lieutenant 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).

421.9 SPECIAL ENFORCEMENT UNIT

The Special Enforcement Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
 - 1. They have a common name or common identifying sign or symbol.
 - 2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated as defined in California Penal Code section 186.22(e).
 - 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in California Penal Code 186.22(f).
 - 4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when two or more of the following elements have been verified by a Special Enforcement Unit officer and a reasonable basis for believing such affiliation has been established and approved by a supervisor:
 - 1. An individual admits membership in a criminal street gang.
 - 2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
 - 3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.

Bakersfield Police Department

Bakersfield PD Policy Manual

CRIMINAL ORGANIZATIONS

4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
 5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
 6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
 7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. 23.20.
- (c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

MOBILE DIGITAL COMPUTER USE (MDC)

422.1 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.

422.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

422.3 POLICY

Bakersfield Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

422.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

422.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages

MOBILE DIGITAL COMPUTER USE (MDC)

that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

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.

422.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

422.5.1 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.

422.6 EQUIPMENT CONSIDERATIONS

422.6.1 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.

422.6.2 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.

COMPUTER KEYFOB

423.1 PURPOSE AND SCOPE

The keyfob generates a random numeric encryption code which corresponds to the users login information. This numeric code ensures that the information transmitted is secure as required by the Department of Justice (DOJ).

423.2 KEYFOB USE

Upon logging into the MDC, the user will be asked for a login number. Push the button on the keyfob to obtain the numeric encryption code. Enter this number into the MDC login screen which will then verify the user information and allow access to the MDC.

423.3 STORAGE OF THE KEYFOB

- a. The keyfob must never be attached to the MDC.
- b. Do not place or store the keyfob in direct sunlight.
- c. Keep the keyfob away from moisture.
- d. The keyfob should not be stored on your person.
- e. The keyfob should be stored in a safe location inside the vehicle.

PORTABLE AUDIO RECORDERS

424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of the Bakersfield Police Department while in the performance of their duties. Portable audio/video recording devices include personal communication devices, and all other recording systems whether body-worn, handheld or integrated into portable equipment.

This policy does not apply to interviews or interrogations conducted at any Bakersfield Police Department Interview Room, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices), Body Worn Cameras. For further on mobile audio/video recordings, refer to the Body Worn Cameras Policy.

424.2 POLICY

The Bakersfield Police Department provides members with access to portable recorders, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Bakersfield Police Department by accurately capturing contacts between members of the department and the public.

424.3 PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

424.4 RECORDING DEVICE USER RESPONSIBILITIES

In addition to the Department issued Body Worn Camera, personnel have the option to also carry a department issued digital recorder or utilize the audio recording functions of department issued Personal Communications Devices.

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

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

PORTABLE AUDIO RECORDERS

424.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

424.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Penal Code § 632 prohibits an individual from surreptitiously recording a conversation in which any party to the conversation has a reasonable belief the conversation is private or confidential; however, Penal Code § 633 expressly exempts law enforcement officers from this prohibition during the course of a criminal investigation.

- (a) Sworn personnel may surreptitiously record any conversation during the course of a criminal investigation that they are actively participating in, or which they have a legal right to overhear.
- (b) No member of this Department may surreptitiously record any conversation of any other member of this Department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code § 3303 (g).

424.5.2 EXPLOSIVE DEVICE

Many portable recorders, including cellular phones/personal communication devices, body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

424.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the department.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

PORTABLE AUDIO RECORDERS

424.7 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incident involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an officer or the Bakersfield Police Department.

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18)

424.7.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

BODY WORN CAMERAS

425.1 PURPOSE AND SCOPE

This policy provides guidelines on the implementation and deployment of body-worn cameras (BWC).

The use of BWCs promotes transparency, accountability for officers, and public confidence through objective evidence. The use of BWCs can provide an objective video record of the contact between Department personnel and members of our community. The digital records obtained from these devices can also complement personnel in the performance of their duties as it provides supplemental evidence of enforcement and investigative activities for enhanced criminal prosecutions and administrative investigations. Further, BWC recordings can assist the Department with assessing and improving organizational practices to ensure the delivery of quality police services.

The Department provides BWCs to specified sworn personnel for use while on duty. Except as otherwise outlined in this policy, all public assistance, enforcement and investigative contact or activity, as well as all contacts specifically related to a call for service, will be recorded to collect evidence for use in criminal investigations. For the purposes of this policy, it is presumed that any contact as defined above is part of a criminal investigation. While these recordings will promote accountability and enhance public trust, they may also protect personnel from false allegations of misconduct and can be instrumental in the resolution of citizen complaints.

While recordings from BWCs can provide an objective record of an event, it is understood that such recordings do not necessarily reflect the experience or state of mind of the individual employee(s) in a given incident. Differences between human and mechanical processing of information prevent a video from exactly matching what a person sees and hears during a critical confrontation. These differences may include but are not limited to the field of view, focus of attention, and interpretation. It is understood that BWCs may capture information that may not have been heard and/or observed by the involved employee and may not capture information observed by the employee.

425.2 BODY-WORN CAMERA PROGRAM COORDINATOR AND DATA STORAGE

The Chief of Police shall appoint a Body Worn Camera Coordinator who is a member of the department to oversee and coordinate the BWC program.

Body Worn Camera Coordinator- A member of the department appointed by the Chief of Police to oversee and coordinate the BWC Program.

BWC data shall be stored in an online cloud database that has reliable, secure, and automated redundancies in place for system integrity. This platform will be provided by a third-party BWC vendor which provides internal audit trails to prevent unauthorized access or use of BWC data.

BODY WORN CAMERAS

The BWC Program Coordinator will be responsible for designating the permissions of each user, supervisor, and management staff.

425.3 DEPARTMENT PERSONNEL RESPONSIBILITIES

Prior to going into service, each employee issued a BWC is responsible for ensuring it is in proper working order and fully charged with adequate storage to complete the employee's shift. Personnel assigned to field and enforcement duties, whether regular duty or overtime, shall always wear the BWC on their person at all times in a forward-facing position that facilitates a comprehensive recording of each contact. All employees issued a BWC are required to wear and use their BWC while working in uniform or wearing any apparel (e.g., tactical/raid vests, visible badge and firearm) that identifies the wearer as a police officer. Personnel working in an undercover capacity should ensure their BWC is affixed to their exterior personal protective equipment gear prior to their scheduled shifts/operations to ensure the BWC's availability in the event of a rapid deployment.

Personnel shall upload their digital audio/video files at the end of each work shift unless otherwise approved by a supervisor. Personnel will also document the existence of any BWC recordings in any related reports.

As with other issued equipment, the BWC device is the responsibility of the assigned employee. It shall be used and maintained with reasonable care to ensure proper functioning and reliability. When an employee determines a BWC is not functioning properly, the employee shall notify a supervisor as soon as practical in order to obtain a replacement device.

Personnel are allowed to remove their BWC during their own personal restroom use.

425.4 ENTERING OF IDENTIFYING INFORMATION

All employees utilizing a BWC will be required to input specific identifying information to each recording prior to the end of the daily assignment via the designated digital evidence management software. All recordings shall include, at a minimum, the following basic information.

- (a) Computer Aided Dispatch (CAD) auto-generated number; must be entered in the following format YY-XXXXX.
- (b) Type of incident (i.e., "Traffic stop", "Call for service", "Use of force", etc.).

In the event that this information is automatically populated by the BWC software, the employee will remain responsible for verifying the accuracy of this metadata and making corrections as needed.

425.4.1 DESK OFFICER DUTIES

Any officer assigned to work in an administrative capacity wherein they are likely to encounter the public, take initial offense reports, direct people to police or City services, or otherwise interact with people seeking police-related action, they shall use their issued BWC to record these interactions. The recorded BWC footage shall be identified consistent with the above-described process unless the type of interaction does not warrant the employee using/requesting a "tag" or "case number". In these instances, the employee shall identify the collective remaining unassigned BWC footage under a single "tag" number for the day.

BODY WORN CAMERAS

425.5 ACTIVATION OF BODY WORN CAMERAS

Personnel assigned a BWC device are required to keep the device in the "ON/STANDBY" status during the entirety of their shift unless otherwise exempt pursuant to this policy. Each user shall activate their BWC to the "ON/RECORD" status prior to any anticipated public assistance, enforcement activity, investigative contact, police activity, transport of any subjects in a police vehicle as well as all contacts specifically related to a call for service. For instance, an officer is expected to activate their BWC prior to arrival on a call for service in anticipation of a contact or an enforcement activity. As another example, an officer identifies a subject/vehicle upon whom an enforcement stop is warranted. The officer should activate the BWC prior to initiating the stop in anticipation of the contact and enforcement activity".

It is foreseeable that there are times when exigent circumstances may arise in which an officer does not have the time or ability to activate his/her device without sacrificing personal safety or the safety of others. In the event the officer is unable to activate the camera prior to the contact or activity, the officer shall activate the BWC as soon as possible in an effort to capture as much of the incident as possible. Personnel are directed that the overarching goal of the BWC program is to obtain a complete and uninterrupted recording of the described encounters in order to depict an objective account of the entirety of each incident. Once activated, the BWC must remain in record mode on continuously until the investigative or enforcement activity has concluded, and/or the officer has physically left the scene. If investigative or enforcement activity resumes, the employee shall re-activate the BWC and continue recording. A supervisor also has the discretion to authorize or order employees to de-activate when appropriate. The BWC should remain in the "ON/RECORD" status when escorting prisoners or persons involved in an investigation into or around Department facilities and/or jails or detention facilities.

Details regarding the reason for BWC deactivation shall be verbalized prior to such deactivation and downloaded pursuant to this policy.

Officers who fail to activate their BWC as required shall document in the related police report the reason why the device was not used. If no report has been generated, the reason and circumstances for not activating the BWC shall be documented in the "remarks" section of the CAD call. Failure to do is subject to disciplinary action.

Circumstances when a BWC may be deactivated include, but are not limited to:

- (a) A health care provider is discussing medical issues with a patient.
- (b) While in the hospital for the sole purpose of waiting for an arrestee to be medically cleared. However, the BWC should be activated in the hospital if a situation arises which requires police action.
- (c) During encounters with confidential informants or citizen informants.
- (d) Whenever it reasonably appears that the privacy of an individual being recorded may outweigh any legitimate law enforcement interest.
- (e) When conducting tactical planning.

Bakersfield Police Department

Bakersfield PD Policy Manual

BODY WORN CAMERAS

Department BWCs also have a manually operated audio mute function. This mute function allows for certain administrative conversations to take place between Department personnel without complete deactivation of an ongoing recording. The mute function is only permitted for administrative conversations that occur outside the presence of the involved community members.

Circumstances when the audio mute function may be enabled include, but are not limited to:

- (a) Arrest approval or consultation with a supervisor or Senior Police Officers acting in the capacity as supervisors regarding the call for service or enforcement.
- (b) Administrative interviews between the involved officer and supervisor, at the direction of the supervisor.
- (c) During non-call or incident-related conversations with other officers or employees of the Bakersfield Police Department, or other law enforcement personnel while not in near-proximity with members of the public. Officers are required to be mindful of the appearance of such interactions and use discretion when choosing where and when to exercise this privilege.

In any event in which the audio mute is enabled, personnel shall verbalize and articulate the reason for muting prior to initiation. For example, "Admin" is an insufficient justification, whereas "I am muting my BWC for an administrative discussion with Sergeant Smith." Failure to verbalize the reason for muting and/or abuse of the mute function can result in disciplinary action. Failure to reactivate the audio function of the camera when required can result in disciplinary action.

Officers who fail to reactivate audio recording, that is "unmute" their BWC as required shall document in the related police report the reason why and when the device was not used. If no report has been generated, the reason and circumstances for not recording audio the BWC shall be documented in the "remarks" section of the CAD call. Failure to do so is subject to disciplinary action.

425.6 RELEASE OF AUDIO/VIDEO RECORDINGS

Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department policies and procedures as well as applicable laws.

425.7 PROHIBITED USE OF BODY WORN CAMERAS

Personnel are prohibited from using BWC devices for personal use and are prohibited from making personal copies of any recordings created while off-duty, on-duty or while acting in their official capacity. Personnel shall not duplicate or distribute any recordings except for authorized legitimate Department business purposes. All such recordings are property of the Department and shall be retained in accordance with this policy.

425.8 REVIEW OF BWC RECORDINGS

BWC recordings may be reviewed by any member of the Department/City in the course of their assigned duties when the review is necessary for a legal or legitimate law enforcement purpose.

Bakersfield Police Department

Bakersfield PD Policy Manual

BODY WORN CAMERAS

- (a) An officer involved in a critical incident may only view their own BWC video upon approval by the assigned investigation Lieutenant. Video review may be done outside the presence of investigations personnel, with a representative present upon request.
- (b) for any other reason upon approval by the Chief of Police or his designee.

MEDICAL MARIJUANA

426.1 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.

426.1.1 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).

MEDICAL MARIJUANA

426.2 POLICY

It is the policy of the Bakersfield Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Bakersfield Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

426.3 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.

426.3.1 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.

426.3.2 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.

MEDICAL MARIJUANA

Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

426.3.3 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).

426.3.4 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.

MEDICAL MARIJUANA

4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
 1. The amount of marijuana recommended by a medical professional to be ingested.
 2. The quality of the marijuana.
 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

426.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 1. In any place where smoking is prohibited by law.
 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 3. On a school bus.
 4. While in a motor vehicle that is being operated.
 5. While operating a boat.

MEDICAL MARIJUANA

- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

426.4 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.

426.5 PROPERTY ROOM SUPERVISOR RESPONSIBILITIES

The Property Room supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property Room supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Room supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property Room supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division supervisor.

BICYCLE PATROL UNIT

427.1 PURPOSE AND SCOPE

The Bakersfield Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

427.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the watch commander.

427.3 SELECTION OF PERSONNEL

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Operations Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Inspecting and maintaining inventory of patrol bicycles and program equipment
- (b) Scheduling maintenance and repairs
- (c) Coordinating activities with the Operations Division

427.4 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

427.5 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag and a charger.

Bakersfield Police Department

Bakersfield PD Policy Manual

BICYCLE PATROL UNIT

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the Impact Unit commander or program supervisor for repair by an approved technician

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

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.

427.6 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.

CIVIL DISTURBANCE AND CROWD CONTROL

428.1 PURPOSE AND SCOPE

This policy establishes department procedures and parameters for police response to crowd management, large-scale disturbances, and riots.

The Bakersfield Police Department will protect the lives, rights, and property of the community we serve. Officers will use only reasonable force and disciplined tactics to carry out this policy.

428.2 OPERATIONAL PRIORITIES

In all situations involving civil disturbance or riot, tactical and strategic decisions will be made with a view toward the following operational priorities (in descending order):

- (a) Safety of Human Life
- (b) Incident Stabilization
- (c) Protection of Property

428.3 CROWD MANAGEMENT

Crowd management is defined as strategies and tactics used by law enforcement agencies to deal with lawful assemblies in an effort to prevent escalation of events into unlawful assemblies or riots.

Officers of the Bakersfield Police Department will make every effort to protect the right of people to peaceably assemble. To that end, officers who encounter a crowd situation will make reasonable efforts to manage the crowd by providing traffic control, maintaining an appropriate law enforcement presence, and summoning assistance as appropriate. No officer shall attempt to disperse a crowd unless legal justification exists.

428.4 FORCE OPTIONS

Not all persons will comply with the law and in certain situations police officers must use force to prevent escape, overcome resistance, or make arrests. All use of force decisions will be made in accordance with the BPD Use of Force Manual and applicable law. Many options exist with regard to use of force in crowd control situations. No officer shall use or authorize a force option in any manner inconsistent with BPD training or, in the case of specialty munitions and gas, inconsistent with the manufacturer's recommendations.

428.4.1 AUTHORIZATION OF FORCE OPTIONS

Certain force options and devices which are appropriate for major disturbances carry with them certain public safety, image, and constitutional concerns. Absent unusual and extreme circumstances in which there is an imminent threat to the safety of human beings, such force options will not be deployed without the approval of a ranking officer. These force options and devices are:

- (a) CS gas (tear gas), no matter how deployed

CIVIL DISTURBANCE AND CROWD CONTROL

- (b) 37mm or 40 mm guns (all munitions)
- (c) "Flash bangs"
- (d) Stingball grenades
- (e) Police canines for crowd dispersal and/or control

428.4.2 PEPPER SPRAY

Pepper spray will not be used for crowd control or dispersal purposes without the approval of a ranking officer. This does not affect the right of an officer to use pepper spray to protect the officer or another from harm when operating in a crowded environment. Officers must at all times consider the possibility of cross-contamination when deploying pepper spray.

428.4.3 SPECIALTY MUNITIONS

Specialty munitions include 37 and 40mm cartridges which deliver wooden dowels or rubber projectiles in a manner designed to discourage the violator from continuing unlawful activity. Specialty munitions also include devices which deliver chemical agents intended to deny the lawbreaker the opportunity to occupy the area. No specialty munitions will be deployed without the approval of a ranking officer. Only personnel who are trained in the use of specialty munitions will use them, unless an imminent threat to human life exists and the personnel on scene have no other reasonable option to stop the threat.

428.5 CROWD DISPERSAL AND RIOT CONTROL

The extremely variable nature of any riot or disturbance makes it impossible to determine a set procedure for any such situation. However, the following guidelines should be followed whenever practical:

- (a) As soon as possible, take action to disperse crowd.
 - 1. Ensure escape routes are available. Remember the officers cannot arrest every last person in a major disturbance, and the crowd can become much harder to handle if there is no obvious way for them to flee.
 - 2. Establish a plan for the direction in which the crowd will be pushed. Do not set officers in the path of danger.Upon identification of main instigators, make arrests in conjunction with riot formations.
- (b) When practical, allow an opportunity for a show of force to have an effect. However, if a show of force does not work, take action immediately.
- (c) After the crowd has dispersed, break up the officers into groups of 8 man teams and comb the area until you are sure the problem no longer exists.

Officers in a riot situation should not break formation for any reason, unless told to do so by competent authority.

CIVIL DISTURBANCE AND CROWD CONTROL

428.6 SUPERVISOR'S DUTIES

Supervisors who encounter a large disturbance shall notify the Watch Commander and determine an appropriate plan of action. If sufficient officers can be gathered from on-duty patrol officers, the supervisor shall lead an attempt to quell the disturbance using appropriate tactics and force options. Consideration should also be given to supplementing BPD patrol officers by requesting traffic control assistance from the California Highway Patrol and perimeter assistance from the Kern County Sheriff's Office.

Supervisors who receive information about a pending disturbance or demonstration shall advise the OIC and/or Watch Commander and ensure all available information is forwarded to the CDT Commander in a timely fashion as well.

428.6.1 WATCH COMMANDER DUTIES

Upon being advised of an in-progress large-scale disturbance, the Watch Commander will notify the Duty Captain. The Watch Commander will determine if a need exists for a call out of CDT and additional personnel. The Watch Commander will also ensure the watch commanders for CHP and KCSO are advised of the situation, whether or not BPD is requesting assistance at that time.

Absent extreme and unusual circumstances, the Watch Commander will respond to and remain at the police building to coordinate and direct assistance to field units until relieved. The Officer in Charge at the scene will remain on scene until relieved by the CDT commander or other qualified individual.

428.6.2 POLICE SERVICE TECHNICIANS

In the event of a riot or civil unrest, Police Service Technicians (PSTs) may be deployed in a support role to transport equipment, control traffic, or perform other functions as directed. PSTs will not be assigned to situations in which direct contact with lawbreakers is likely without the assistance of sworn personnel.

428.7 NOTIFICATION AND INTELLIGENCE GATHERING

It is incumbent upon field officers to gather intelligence to forewarn of a possible riot. The following could lead to or be signs of a possible riot:

- (a) Officer involved shootings
- (b) Adverse court decisions
- (c) Violent arrest situations
- (d) Arrest situations where large crowds gather
- (e) Labor unrest or political activity occurring at a given location

Officers who become aware, through observation or intelligence from any source, of a pending or active civil disturbance or disruptive gathering shall notify an on-duty supervisor immediately. The supervisor will assess the situation and notify the Officer in Charge (OIC).

In nearly all situations involving large groups, the safest and most effective police tactics will involve the disciplined response of a number of officers working together. Therefore, officers who

CIVIL DISTURBANCE AND CROWD CONTROL

encounter a large disturbance are discouraged from making contact until the ability to deploy an appropriate response exists. The only exception should be limited contact to rescue a human being from death or serious bodily harm. Lone or small numbers of officers should establish observation points, protect their own escape routes, and report to their supervisors.

428.8 CALL OUT OF CDT AND ADDITIONAL PERSONNEL

Upon determining a need for additional personnel to control a large-scale disturbance, the OIC shall telephone the CDT Commander and advise him of the situation. The OIC will then initiate a CDT call out using the following group page procedure:

- (a) Type in situation - i.e., disorderly crowd, looting, vandalism, etc.
- (b) Location of command post "CP" - i.e., CP - 4024 Elm Street.
- (c) Tactical radio channel "CH #" - i.e., CH # 4.
- (d) Mobile Command Post driver - i.e., MCP - Smith.
- (e) Miscellaneous - Respond north on Elm Street.

Once the page has been received, CDT members will confirm on the radio by badge number that they have received the page and they are en route.

After a group page has been completed, the Communications Center will begin to phone all members of the CDT who failed to answer the page.

The Watch Commander may call out additional department personnel as reasonable. In all cases, the Watch Commander shall make every attempt to ensure enough department personnel will be available to handle emergency calls for service as well as the disturbance. It is preferable to call extra officers out in advance rather than wait for a need to arise.

428.8.1 DEPLOYMENT OF PERSONNEL

Personnel responding to a call out should be deployed to support the CDT as requested by the CDT Commander. SWAT officers, however, shall report to their SWAT duties. Generally, such a large-scale call out should be organized as follows:

- Team #1 - at least 30 officers. This team will be the main riot formation team, including CDT and support officers.
- Team #2 - at least 10 officers, plus all K-9 officers not assigned to CDT. This team will act in support of CDT and process mass arrests as needed.
- Team #3 - the entire SWAT Team, to be utilized in an anti-sniper situation or in support of CDT.
- Team #4 - at least 10 officers to serve as support units and for police vehicle security at the riot scene.
- Team #5 - at least 10 traffic officers to be utilized in preventing subjects from entering the disturbance scene and easing traffic flow for those attempting to exit the scene.

AUTOMATED LICENSE PLATE READERS (ALPRs)

429.1 PURPOSE AND SCOPE

This policy shall establish procedures for the use and oversight of the Department's Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition (LPR). The Bakersfield Police Department has adopted this policy to ensure compliance with applicable law protecting privacy, civil rights, and civil liberties. This policy outlines the use, analysis, retention, destruction, sharing and disclosure of protected information received and stored within and/or by the Bakersfield Police Department.

429.2 POLICY

It is the policy of the Bakersfield Police Department to utilize Automated License Plate Reader (ALPR) technology in the fulfillment of law enforcement efforts and public safety goals while recognizing the established privacy rights of the public. All data and images gathered by members of the Department, utilizing the Department's ALPR equipment are for the official use of this Department. Because such data may contain confidential information, it is not open to public review.

The Department's utilization of ALPR technology shall be restricted to legitimate law enforcement uses for the purpose of furthering legitimate law enforcement goals and enhancing public safety. Such uses and goals include providing information to officers that will assist in on-going criminal investigations, crime prevention, crime detection, the apprehension of wanted persons, ensuring the safety of vulnerable individuals through the recovery of missing and endangered persons, and improving the quality of life in our community through the identification and removal of stolen and/or unregistered motor vehicles.

The Department shall utilize hot lists that further the above-specified goals of the LPR system where there is a legitimate and specific law enforcement reason for identifying a vehicle or a person reasonably believed to be associated with that vehicle, such as: persons who are subject to an outstanding arrest warrant; missing persons; AMBER Alerts; stolen vehicles; vehicles that are reasonably believed to be involved in the commission of a crime; vehicles that are registered to or are reasonably believed to be operated by persons who do not have a valid operator's license or who are on the revoked or suspended list; vehicles with expired registrations; persons who are subject to a restraining order issued by a court or by the Parole Board, or who are subject to any other duly issued order restricting their movements; persons wanted by a law enforcement agency who are of interest in a specific investigation, whether or not such persons are themselves suspected of criminal activity; and when information has been received concerning a specific individual or individuals who pose a potential public safety risk to the greater metropolitan Bakersfield area.

Bakersfield Police Department

Bakersfield PD Policy Manual

AUTOMATED LICENSE PLATE READERS (ALPRs)

The Department may also use ALPR systems to gather information related to active warrants, homeland security matters, electronic surveillance, suspect interdiction, and the recovery of stolen property.

In summary the LPR system will aid officers in ensuring the safety of our community.

429.2.1 DEFINITIONS

- (a) **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- (b) **ALPR Operator:** Properly trained Department personnel who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department and the ALPR Coordinator can order the deployment of the ALPR systems for use in various efforts.
- (c) **ALPR Administrator:** The Investigations Division Captain serves as the ALPR Administrator for the Department.
- (d) **Hot List:** A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc..
- (e) **Vehicles of Interest:** Including, but not limited to: vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons; and vehicles flagged by the Motor Vehicle Administration or law enforcement agencies.
- (f) **Detection:** Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and the vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- (g) **Hit:** Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

429.3 ADMINISTRATION

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigations Division Captain. The Investigations Division Captain will assign members to administer the day-to-day operation of the ALPR equipment and data.

429.3.1 ACCOUNTABILITY

The Investigations Division Captain will act as the Department's ALPR Administrator and shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code §1798.90.5 et seq. This includes, but is not limited to (Civil Code §1798.90.51; Civil Code §1798.90.53):

Bakersfield Police Department

Bakersfield PD Policy Manual

AUTOMATED LICENSE PLATE READERS (ALPRs)

- (a) A description of the job title or other designation of the Department members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
 - 1. The Department's Training Lieutenant shall ensure that members assigned to duties as an ALPR Operator receive department-approved training prior to the use or access of the Department's ALPR system equipment and the contractor's ALPR system software (maintained by a contracted company [currently, Vigilant Solutions Inc.]).
 - 2. Training for Department members only accessing the contractor's ALPR system software, and not assigned to duties as an ALPR Operator, will minimally include privacy training, Criminal Justice Information System training, and computer security.
 - 3. Training which covers basic operation of ALPR equipment and/or access to ALPR data is usually provided within either Webinar or "In Class" format by a contracted company (currently, Vigilant Solutions Inc.). This training is often offered on a monthly basis.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
 - (a) The Department utilizes a hosted server to store the data collected by the Department's ALPR equipment and creates reporting from this system which is maintained by a privately contracted company (currently, Vigilant Solutions Inc.). All queries and/or reporting is derived/created from the contractor's ALPR system software (LEARN) which provides access to the Department's database and other ALPR databases.
 - (b) Department members shall be issued an account requiring a user name and password to access the contractor's ALPR system software for queries and to create Hot Lists.
 - (c) Department members are required by the contractor's ALPR system software to complete a 3 part audit prior to receiving access which shall be completed as follows:
 - i. Confirmation that the Department member is seeking access on behalf of him/herself, or on behalf of another Department member/Law Enforcement Official (which includes the identification of that person).
 - ii. A case number.
 - iii. A summarized explanation of the purpose of the query or activity to be accomplished utilizing the contractor's ALPR system software while accessing the Department's or other ALPR databases.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code §1798.90.52.
- (e) The ALPR Administrator or his/her designee shall, as follows:

Bakersfield Police Department

Bakersfield PD Policy Manual

AUTOMATED LICENSE PLATE READERS (ALPRs)

- (a) Conduct periodic audits of queries by the Department's users within the contractor's ALPR system software. As well as, update access to the database to those only who show continued need for it.
- (b) The ALPR Monthly Report will include, at a minimum, the number of total detections and hits generated from the Department's ALPR system equipment.
- (c) Submit an ALPR Monthly Report to the Investigations Division Captain, by the 5th day of each month.
- (d) Coordinate with the Department's Training Lieutenant to ensure training for all Department members currently using the Department's ALPR system equipment and/or the contractor's ALPR system software.
- (e) Ensure the Department's ALPR system equipment is inspected, at a minimum, on a quarterly basis.
- (f) Ensure that all ALPR data will be closely safeguarded and protected by both procedural and technological means as it relates to the access and use of such stored data as follows (Civil Code § 1798.90.51; Civil Code § 1798.90.53):
 - (a) Department members shall capture and/or access all ALPR data only through a login/password-protected system capable of documenting all access by name, date, and time (Civil Code § 1798.90.52), via the contractor's ALPR system software to its database contained within its hosted server(s).
 - (b) Department members may only access data stored in the hosted ALPR server based upon a reasonable belief that the data may be related or useful as part of a specific official action or investigation. All ALPR data will be considered confidential information to the extent permitted by law.
 - (c) Security of any Hot List data will be the responsibility of the Department member operating ALPR equipment or accessing the ALPR data. Any Hot List data will be considered confidential information to the extent permitted by law.
 - (d) Designated Department members trained in the use of the ALPR software shall have access to ALPR data so as to conduct analysis of said data in order to comply with legitimate law enforcement requests.
 - (e) All ALPR security and data breaches will be subject to the Department's "Records Release and Maintenance Policy."
 - (f) Work with the Custodian of Records on the retention and destruction of any related ALPR data.
 - (a) Any ALPR data originating from the Department's ALPR equipment systems which is identified as evidence in a criminal and/or a civil action or is subject to a discovery request or other lawful action to produce records shall be downloaded from the server onto portable media (or if applicable, printed as a report) and booked into evidence.
 - (b) All ALPR data originating from the Department's ALPR equipment systems shall be retained within the aforementioned hosted server(s) for a

Bakersfield Police Department

Bakersfield PD Policy Manual

AUTOMATED LICENSE PLATE READERS (ALPRs)

minimum of one year (Government Code §34090.6) and in accordance with the established records retention schedule.

- (c) The ALPR Administrator is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data originating from the Department's ALPR equipment systems via the contractor's ALPR system software to its hosted server(s) and/or other ALPR databases.
- (g) Ensure this policy and related procedures are conspicuously posted on the Department's website.
 - (a) The names and sources of the hot lists (rather than their contents) utilized by the Bakersfield Police Department ALPR system shall be public record.

429.4 OPERATIONS

Use of an ALPR is restricted to the purposes and procedures outlined below. Department members shall not use or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Department members shall not access Department, State, or Federal data unless they:

- (a) Are otherwise authorized to do so.
- (b) Have an official duty requiring the search of the involved database, and
- (c) Ensure that all personal identifying information remains protected in accordance with current legal requirements and the Department's policy and procedures.

The following uses of the LPR system are specifically prohibited:

- (a) **Invasion of Privacy.** Except when done pursuant to a court order, it is a violation of this policy to utilize the LPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
- (b) **Harassment / intimidation.** It is a violation of this policy to use the LPR system or associated scan files or hot lists to harass and/or intimidate any individual or group.
- (c) **Use Based on a Protected Characteristic.** It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability or other classification protected by law.
- (d) **Personal Use.** It is a violation of this policy to use the LPR system or associated scan files or hot lists for any personal purpose.
- (e) **First Amendment Rights.** It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

Bakersfield Police Department

Bakersfield PD Policy Manual

AUTOMATED LICENSE PLATE READERS (ALPRs)

Anyone who engages in an impermissible use of the ALPR equipment, related system(s), and data therein may be subject to:

- (a) Criminal and Civil Liability, and/or
- (b) Disciplinary action up to termination.

429.5 GENERAL USE

The Department's ALPR system equipment and/or the contractor's ALPR system software shall only be deployed/accessed for official law enforcement purposes, including, but not limited to:

- (a) Locating stolen vehicles, carjacked vehicles, stolen license plates, wanted or missing persons, or vehicles on a Hot List. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (b) Canvassing areas surrounding recent crimes to capture vehicle license plate information which may be connected to the crime scene(s). Particular consideration should be given to deploying ALPR equipped cars to canvass areas around homicides, shooting, and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (c) Other uses as approved and documented by an appropriate supervisor or the ALPR Administrator (or his/her designee).

Department members using the Department's ALPR system equipment and/or the contractor's ALPR system software shall (as is applicable):

- (a) Ensure the ALPR cameras are properly affixed to the assigned police vehicle prior to starting their shift; inspecting units for damage or excessive wear.
- (b) Upon discovery of any ALPR equipment that is inoperable or damaged in any way, Department members shall:
 - 1. Immediately notify the ALPR Administrator (or his/her designee).
 - 2. Document the damage/issue within the appropriate vehicle damage report and forward a copy of that reporting to the ALPR Administrator (or his/her designee) without delay.
- (c) Shall start the ALPR system software to activate the system and receive the automatic updated Hot List(s) at the beginning of each shift.
 - (a) ALPR equipment installed on the Department's vehicles shall be activated and used at all times unless the operator of the vehicle has not been trained in its use.
 - (b) Department members will use the designated "Aim" station, at least weekly, to confirm the ALPR cameras are accurately positioned for optimal image captures.
 - (c) Department members operating ALPR equipment shall ensure that system is operational by making sure Cam-1, Cam-2, Cam-3, Cam-4, LEARN, GPS, and

Bakersfield Police Department

Bakersfield PD Policy Manual

AUTOMATED LICENSE PLATE READERS (ALPRs)

System light color is green to the top right of the mobile data computer's screen employed in their assigned vehicle.

- (d) Department members shall conduct a search of their detections through LEARN at least once a shift ensuring the system is working properly.
- (e) Department members shall not attempt to repair defective or inoperable ALPR equipment.

Hot lists utilized by the Department's LPR system may be updated by agency sources more frequently than the Department may be uploading them and the Department's LPR system will not have access to real time data. Further, there may be errors in the LPR's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Department members shall undertake the following:

- (a) **Verification of current status on Hot List.** An officer must receive confirmation, from a Bakersfield Police Department Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
- (b) **Visual verification of license plate number.** Officers shall visually verify that the license plate on the vehicle of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate and the state of issue, before proceeding.
- (c) Department members will clear all stops from hot list alerts by checking the "ALPR" study flag in the CAD should a verified, positive ALPR Hit resulting in arrest occur. If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, the Department member shall update the call with a clarification remark. Department members shall not access Department, State, or Federal data unless otherwise authorized to do so and shall ensure that all personal identifying information remains protected in accordance with current legal requirements and the Department's policy and procedures.

All stops of motor vehicles must be constitutionally valid and otherwise comply with federal/state law and the policies of the Bakersfield Police Department. To assist with implementation of these obligations and in furtherance of the purposes of the LPR system, the following requirements apply to traffic stops:

- (a) **Completion of Preliminary Steps to Police Action.** An officer must have verified that the vehicle is currently described within a hot list and visually verified the vehicle's license plate number prior to proceeding with a motor vehicle stop.
- (b) **Non-encounter alerts.** In the event that an alert is designated as a non-encounter alert, the officer shall follow any instructions included in the alert (e.g., notifying any applicable law enforcement agency and/or not disclosing to others the vehicle's status within a hot list).
- (c) **Persons of Interest.** With regard to cases in which an alert may indicate a person of interest (such as a wanted person), officers are reminded that in some cases, the

AUTOMATED LICENSE PLATE READERS (ALPRs)

driver or occupant of the vehicle may not be the person with whom the license plate is associated (since vehicles may be loaned, e.g.). Therefore, officers must develop a reasonable belief that the operator or occupant is the person of interest included in a hot list prior to initiating a stop (e.g., by comparing the person's observed physical appearance with that of a physical description contained in the CA DMV database).

- (d) **Independent reason for traffic stop.** An officer may stop a vehicle where he/she has an independent reason for doing so, such as an unrelated traffic violation.
- (e) **Appropriate police action.** Nothing in this policy shall restrict or prohibit an officer from taking appropriate police action based on facts or reasons obtained independently from LPR operation.

The LPR should be considered for use in connection with Serious Crimes/ Incidents, such as to conduct license plate canvasses in the immediate wake of any homicide, shooting, robbery, kidnapping, sexual assault or AMBER ALERT and/or other major crime or incident. Registration plates or partial plates potentially associated with any such major crimes or incidents should be entered into the LPR and compared against the scan file. Conversely, registration plate numbers may be used for exculpatory purposes (e.g., to corroborate a registrant's alibi).

The Chief of Police, or Chief's designee, may approve a mutual aid request for use of the LPR for purposes consistent with this policy, as may be appropriate under the circumstances and as resources permit. The intent of the Bakersfield Police Department is to provide mutual aid to law enforcement from other communities when they become aware of a serious incident, as to which serious incident they reasonably believe the LPR may be useful. Examples of serious incidents include homicides, shootings, kidnappings, sexual assaults or AMBER alerts, or other serious or violent felonies as to which suspect vehicle information is available. ALPR data may be shared only as is consistent with this policy and to the extent necessary to supply duly approved mutual aid. Department members are reminded to review Section 460.6 Releasing ALPR Data, of this policy, for further direction on the appropriate procedure for supplying other law enforcement agencies with data from ALPR systems(s) and the documentation of such actions.

The creation and implementation of Hot Lists within the Department's ALPR system shall be as follows:

- (a) **General Hot Lists** (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.
- (b) Specific Hot Lists or Hot Lists which are specific to the Department may be created by Department members for entry into the ALPR system. Entries of Specific Hot Lists within the ALPR system may, by investigative necessity, be accessible by other law enforcement agencies. As such, Specific Hot Lists shall be approved by the ALPR Administrator (or his/her designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor on a daily basis with the most current data overwriting the old data.

Bakersfield Police Department

Bakersfield PD Policy Manual

AUTOMATED LICENSE PLATE READERS (ALPRs)

- (c) All entries and updates of Specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report.
 - 1. Specific Hot Lists will be generated by comparing data from several applicable sources, to include RMS, etc.
 - 2. The hits from these data sources should be viewed as informational; created solely to bring the officers attention to specific vehicles that have been associated with criminal activity.
 - 3. Department members alerted to the fact an observed motor vehicle's license plate is entered as a Hot Plate are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.

The creation and implementation of a Hot Plate within the Department's ALPR system shall be as follows:

- (a) **Hot Plates** added to the ALPR system database, by Department members, will have an expiration date of no longer than 30 days - unless approved for a longer period of time by the ALPR Administrator.
- (b) All Hot Plates entered into the ALPR system will contain the following information as a minimum:
 - 1. Entering Department member's name and contact telephone number.
 - 2. Related case number.
 - 3. Short synopsis describing the nature of the originating call.
- (c) Officers entering plates into the ALPR system as Hot Plates are encouraged to be as descriptive as possible.
 - 1. A license plate listed within the system as a Hot Plate should have an expiration period of no longer than one (1) day when it is to be added to any General Hot List (such as SVS, SLR, SFR).
 - 2. All entries and updates of Hot Plates within the ALPR system will be documented by the requesting Department member within the appropriate general offense report.

429.6 RELEASING ALPR DATA

ALPR data accessible via the contractor's ALPR system software to its hosted server(s) and/or other ALPR databases may only be shared with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law. However, from time to time other law enforcement agencies and prosecutorial agencies, who do not possess ALPR equipment systems and/or have access to ALPR databases, may request such data from the Department using the following procedures:

Bakersfield Police Department

Bakersfield PD Policy Manual

AUTOMATED LICENSE PLATE READERS (ALPRs)

- (a) The agency makes a written request (date and time stamped) for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the agency member making the request.
 - 3. The agency's incident or case number(s) related to the request.
 - 4. The intended purpose for the information to be obtained from an ALPR database.
- (b) The request shall be reviewed by the ALPR Administrator (or his/her designee) and approved before the request will be responded to and/or the requested data provided.
- (c) The approved request will be retained on file.

In the event of a request for ALPR data from another law enforcement agency, wherein exigent circumstances exist, a Department member shall collect the above listed required information from that agency member. The Department member may then complete the requested ALPR system data query and upon the approval of a supervisor provide the reporting to the requesting law enforcement agency. The Department member shall then accomplish and forward a memo to the ALPR Administrator which documents the above listed required information and summarizes the circumstances justifying the release of the requested ALPR system data query reporting.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

References:

Vigilant Solutions Inc., System User Guide: LEARN 5.1

CA Government Code § 34090

CA Civil Code § 1798.90.5 - 1798.90.55

CRISIS INTERVENTION INCIDENTS

430.1 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.

430.1.1 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.

430.2 POLICY

The Bakersfield Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

430.3 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

CRISIS INTERVENTION INCIDENTS

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.

430.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief should designate an appropriate Division Commander 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.

430.5 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.

CRISIS INTERVENTION INCIDENTS

- (k) If circumstances reasonably permit, consider and employ alternatives to force.

430.6 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.

430.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

CRISIS INTERVENTION INCIDENTS

430.8 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.

430.8.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

430.9 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Other Bakersfield Police Department 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.

430.10 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).

FIRST AMENDMENT ASSEMBLIES

431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY

The Bakersfield Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

431.3 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.

FIRST AMENDMENT ASSEMBLIES

431.3.1 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.

431.4 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.

431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.5.1 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.

FIRST AMENDMENT ASSEMBLIES

- 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).

431.5.2 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 City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

FIRST AMENDMENT ASSEMBLIES

- (t) Parameters for the use of body-worn cameras and other portable recording devices.

431.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

431.6 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.

431.7 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). The decision to apply force shall adhere to the department's use of force policy and all applicable notifications and documentation of force shall be adhered to.

FIRST AMENDMENT ASSEMBLIES

431.8 ARRESTS

The Bakersfield Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

431.9 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).

431.9.1 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).

431.10 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.

FIRST AMENDMENT ASSEMBLIES

431.11 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)

431.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

431.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

431.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).

Bakersfield Police Department

Bakersfield PD Policy Manual

FIRST AMENDMENT ASSEMBLIES

431.13.1 USE SUMMARY

The Field Services Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

SUSPICIOUS ACTIVITY REPORTING

432.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

432.1.1 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.

432.2 POLICY

The Bakersfield Police Department 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.

432.3 RESPONSIBILITIES

The Investigations Division Commander 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 Investigations Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the department that would facilitate the purpose of this policy.

SUSPICIOUS ACTIVITY REPORTING

- (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).

432.4 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 other member of the Bakersfield Police Department 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.

432.5 HANDLING INFORMATION

Records will forward copies of SARs, in a timely manner, to the following:

- Investigations Division lieutenant or designee
- Crime Analysis Unit
- Other authorized designees

RIDE-ALONG POLICY

433.1 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.

433.1.1 ELIGIBILITY

The Bakersfield Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

433.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

433.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Field Services Secretary. 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 Field Services Secretary will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

433.2.1 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, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

Bakersfield Police Department

Bakersfield PD Policy Manual

RIDE-ALONG POLICY

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Members of the Bakersfield Police Department Explorer and Cadet programs must be at least 16 years old to participate in the Ride-Along Program. Exceptions may be made with the approval of the Chief of Police, Division Commander or Watch Commander.

433.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

433.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

433.2.4 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 Bakersfield Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

433.3 OFFICER'S RESPONSIBILITY

Upon responding to the Police Department, all ride-a-longs are required to complete the Bakersfield Police Department "Waiver of Liability and Release of All Claims" form located in the ride-a-long binder. After the ride-a-long completes the form, the officer must sign the witness section and have the form initialed by a ranking officer. The completed form will be placed in the binder.

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Operations Secretary is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the "Waiver of Liability" shall be returned to the ride-a-long binder with any comments which may be offered by the officer.

RIDE-ALONG POLICY

433.4 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 department member.
- (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 department member may return the observer to their home or to the station if the ride-along interferes with the performance of the department member'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) Department members 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 a department member without the expressed consent of the resident or other authorized person

MISSING PERSONS

434.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

434.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

434.2 POLICY

The Bakersfield Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Bakersfield Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

434.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)

MISSING PERSONS

- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

434.3.1 AT-RISK REQUIREMENTS

If a missing person is under 18 years of age and at-risk or under 16 years of age and missing for more than 14 days, the handling detective shall immediately submit to the dentist, physician/surgeon, or medical facility the signed request for dental or skeletal X-rays or both (Cal. Penal Code § 14206(a)(2)).

In all cases the handling detective may confer with the coroner or medical examiners and may submit reports including the dental/skeletal X-rays within 24 hours to the Attorney General's office for submission to the center.

434.4 ACCEPTANCE OF REPORTS

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

434.4.1 TELEPHONIC REPORTS

The initial call taker will determine the basis for the report and ask the Reporting Party questions to determine if the missing person should be considered "At Risk". This should include an assessment of the missing person's ability to care for their own safety. After the initial screening, if it is determined no unusual or exigent circumstances exist and the missing person is not "At Risk", the call taker will transfer the call to the Communications Center Liaison Police Officer, who will enter the call into the Computer Aided Dispatch (CAD) system then take the Missing Persons Report and conduct the initial investigation. A supervisor should be notified of any unusual or exigent circumstances, including determination of "At Risk" or the need for immediate follow up investigation by field units.

Missing person and runaway juvenile reports should be given priority due to legal time requirements. The Communications Center Liaison Police Officer should handle missing person and runaway juvenile reports first unless directed otherwise by a ranking officer. Officers should be reminded of legal time requirements regarding the entering of missing persons and runaways into MPS. If no Communications Center Liaison Police Officer is available to take the initial report telephonically within the legal time requirements, the call will be transferred to the Telephonic Reporting Unit during their business hours, or an officer or PST will be dispatched to handle

MISSING PERSONS

the initial investigation if employees assigned to the Telephonic Reporting Unit are unavailable. Missing persons who are "At Risk" will have an officer or PST dispatched to take the report and conduct follow up investigation, if needed, unless otherwise approved by a sergeant or Watch Commander.

434.5 INITIAL INVESTIGATION

Officers or other employees conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
 - 1. Immediately when the missing person is at risk
 - 2. In all other cases, as practicable but not later than two hours from the time of the initial report
- (f) Complete the Department's missing person report forms accurately and completely.
- (g) Collect and/or review the following:
 - 1. A photograph and a fingerprint card of the missing person, if available at the time, to the employee taking the report.
 - 2. A voluntarily provided biological sample of the missing person, if available at the time, to the employee taking the report. (toothbrush, etc)
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody, if available at the time, to the employee taking the report.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers, etc), if available at the time, to the employee taking the report.
- (h) Contact the lead agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for

Bakersfield Police Department

Bakersfield PD Policy Manual

MISSING PERSONS

transmission to the appropriate agency. If the information relates to an at risk missing person, the officer should notify a supervisor and proceed with reasonable steps to locate the missing person.

434.5.1 REFERENCE CHART

See attachment: [332 mups_reference_chart.pdf](#)

California Department of Justice Missing and Unidentified Persons Section

Reporting Reference Chart

All local police and sheriffs' departments shall accept any report of a missing person (MP) without delay, per Penal Code (PC) § 14211(a). Additional requirements may vary by jurisdiction. As you read the chart from left to right, report types are listed by age group, and note the applicable code section: PC, Education Code (EC), or federal statute (FS).

Required Action MP Age	"Be On the Look-Out" Bulletin	Initial Entry into the DOJ Missing Person System (MPS)	MP Report Forwarded to Appropriate Jurisdiction	Initial Coroner Check	MP Report with Photograph and X-rays Submitted to DOJ ²	Written Notice Submitted to School	DNA - Advise Family of Right to Submit Sample ³
At Risk¹ (Any Age)	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	If a child, within 10 Days <i>EC § 49068.6</i>	Within 30 Days <i>PC § 14250(c)(2)</i>
Ages 0 to 15	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Within 10 Days <i>EC § 49068.6</i>	Within 30 Days <i>PC § 14250(c)(2)</i>
Ages 16 to 17	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Within 10 Days <i>EC § 49068.6</i>	Within 30 Days <i>PC § 14250(c)(2)</i>
Ages 18 to 20	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Not Applicable	Within 30 Days <i>PC § 14250(c)(2)</i>
Ages 21 and over	Law Enforcement Discretion	Without Unreasonable Delay	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Not Applicable	Within 30 Days <i>PC § 14250(c)(2)</i>

¹ Per PC § 14215(b), "at risk" means there is evidence of, or there are indications of, any of the following: (1) is a victim of a crime or foul play, (2) is in need of medical attention, (3) is running away or disappearing, (4) may be the victim of a parental abduction, or (5) is mentally impaired.

² Per Health & Safety Code § 102870, the DOJ shall act as a repository for dental examination records of missing and unidentified person and will compare the records for the purpose of identification.

³ Per PC § 14250(a)(4), for the purpose of DNA collection, a high-risk missing person is anyone missing as a result of a stranger abduction, suspicious circumstances, unknown circumstances, or to assume the person is in danger or deceased, and that the person has been missing for more than 30 days or less in the discretion of the investigating agency.

434.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

MISSING PERSONS

434.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

434.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigations Division.
- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

434.7 INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student

MISSING PERSONS

file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

434.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

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

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.

MISSING PERSONS

- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

434.8.1 UNIDENTIFIED PERSONS

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

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

434.9 CASE CLOSURE

The Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Bakersfield or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

434.10 TRAINING

Subject to available resources, the Training & Logistics Division Lieutenant should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response

MISSING PERSONS

5. Identifying the zone of safety based on chronological age and developmental stage
 - (b) Briefing of department members at the scene.
 - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
 - (d) Verifying the accuracy of all descriptive information.
 - (e) Initiating a neighborhood investigation.
 - (f) Investigating any relevant recent family dynamics.
 - (g) Addressing conflicting information.
 - (h) Key investigative and coordination steps.
 - (i) Managing a missing person case.
 - (j) Additional resources and specialized services.
 - (k) Update procedures for case information and descriptions.
 - (l) Preserving scenes.
 - (m) Internet and technology issues (e.g., Internet use, cell phone use).
 - (n) Media relations.

NASAL NALOXONE (NARCAN) PROGRAM

435.1 PURPOSE AND SCOPE

This policy will provide trained staff direction and expectations regarding using Naloxone in the course and scope of their duties with the Bakersfield Police Department.

The primary goal of this policy is to assist departmental employees in distress from accidental drug overdose exposure and, in dire situations, help drug overdose victims when medical aid is not present. Officers shall provide immediate assistance via nasal Naloxone where appropriate to provide any treatment commensurate with their training as first responders. Employees will be trained before administering and or being issued nasal Naloxone.

435.2 PROGRAM OVERVIEW

To reduce the number of fatalities resulting from opiate overdoses, the Bakersfield Police Department will train employees in the proper pre-hospital administration of nasal Naloxone. To implement a safe and responsible nasal Naloxone Program, the Bakersfield Police Department will follow the direction of the California Department of Public Health and Kern County EMS. Kern County EMS shall provide medical oversight over nasal Naloxone and administration of the nasal Naloxone Program. Kern County EMS may make recommendations regarding the policy, management, and administration of the nasal Naloxone Program developed and implemented by the Bakersfield Police Department.

435.3 DEPLOYMENT

Once trained, employees may be issued a nasal Naloxone kit. The Naloxone kit will be stored on their person or in a climate-controlled secure location. The Naloxone kit shall contain two four-milligram nasal sprays in a heat-sealed, easy-to-tear plastic bag. When trained employees are off work, they will store the nasal Naloxone kit with their other issued equipment inside their residence in a climate-controlled, secure location. The kits are not to be stored during off-duty time in vehicles as this will render them useless due to the heat.

435.4 PROCEDURE

If a nasal Naloxone trained officer arrives at the scene of a medical emergency or is presented with an opiate overdose before the arrival of EMS, the officer shall ensure EMS has been dispatched to the scene. If the officer determines that the patient is possibly suffering from an opiate overdose, the officer may administer four milligrams of nasal Naloxone to the patient through the nasal passages. Nasal Naloxone should be administered through a nostril.

The following steps shall be followed:

- A. Trained officers shall use universal precautions when conducting the medical assessment, administering nasal Naloxone, and providing First Aid. (Including but not limited to gloves and CPR mask)

NASAL NALOXONE (NARCAN) PROGRAM

- B. A trained officer shall conduct a medical assessment of the patient as per their first aid training. Before administering nasal Naloxone, the trained officer will look for signs of an overdose. Some basic symptoms of an opiate overdose:
 - 1. Extremely pale colored skin and/or feels clammy to the touch
 - 2. Muscle flaccidity or body goes limp
 - 3. Fingernails or lips have a blue or purple color
 - 4. Vomiting or making gurgling noises
 - 5. Cannot be awakened or unable to speak
 - 6. Breathing or pulse slows or stops
- C. If a trained officer determines there has been a possible opiate overdose and it is safe, the nasal Naloxone kit may be utilized. If the patient is pulseless or not breathing, the trained officer should perform Cardiopulmonary Resuscitation or Rescue Breathing. The trained officer should ensure there is no opiate residue in the immediate area or on the victim prior to physical contact to avoid secondary contact/exposure during first aid.
- D. The trained officer shall use the Naloxone device supplied in the nasal Naloxone kit to administer an intranasal dose of Naloxone into the nostrils, per the directions established by the Bakersfield Police Department Training and Logistics. Be aware that a rapid reversal of an opiate overdose may cause projectile vomiting by the patient and/or violent behavior. The patient shall continue to be observed and treated by the trained officer as the situation dictates until EMS arrives.
- E. If the patient's condition does not change in two to three minutes, the trained officer should consider administering the second four-milligram dose of Naloxone.
- F. The trained officer shall inform the incoming Emergency Medical Technician (EMT) and/or Paramedic about the treatment and condition of the patient. The trained officer shall not relinquish care of the patient until relieved by a person with an equal or higher level of training. The used nasal Naloxone device shall be given to the responding EMS personnel. The trained officers will document the responding EMS personnel's identity and the specific information (Lot numbers and expiration date) from the individual Naloxone unit deployed on the victim in their documentation covering the incident. BPD Officers shall not transport victims suffering from an obvious opiate overdose in their city-owned vehicles without authorization from the watch commander.

435.5 TRAINING

Employees shall receive the nasal Naloxone training course approved by the Kern County EMS and administered by the Bakersfield Police Department before being allowed to carry and use nasal Naloxone. The Bakersfield Police Department shall provide refresher training every two years.

- 1. An incident report and Naloxone Deployment Template in Versadex shall be completed by the trained officer who deployed the nasal Naloxone.

Bakersfield Police Department

Bakersfield PD Policy Manual

NASAL NALOXONE (NARCAN) PROGRAM

2. Bakersfield Police Department Records Section shall submit the Naloxone Deployment Template to the Kern County EMS Division within 48 hours of use. The Naloxone Deployment Template can be faxed or sent by encrypted email to Kern County EMS Division.

435.6 EQUIPMENT

The officers shall be responsible for inspecting their issued nasal Naloxone kit before each shift, ensuring that the nasal Naloxone kit is intact, and confirming the expiration date is not passed. Damaged equipment shall be reported to a shift supervisor immediately.

The Training & Logistics Section Lieutenant or designee will maintain a written inventory documenting the quantities and expirations of nasal Naloxone replacement supplies and a log documenting the issuance of replacement units.

435.7 PROCEDURE FOR PURCHASE/REPLACEMENT

The Training & Logistics Section Lieutenant or designee shall complete a "Statewide Standing Order for Naloxone" through the California Department of Public Health website. The document must be renewed every two years in July to remain current. The "Statewide Standing Order for Naloxone" will then be forwarded to Naloxone Distribution Project through the California Department of Health Care Services website.

The Training & Logistics Section Lieutenant or designee shall replace the nasal Naloxone kits that have been used or damaged.

Chapter 5 - Traffic Operations

TRAFFIC FUNCTION AND RESPONSIBILITY

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Bakersfield Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

TRAFFIC FUNCTION AND RESPONSIBILITY

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

TRAFFIC COLLISION REPORTING

501.1 PURPOSE AND SCOPE

The Bakersfield Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 RESPONSIBILITY

The Traffic Commander will be responsible for distribution of the Collision Investigation Manual. The Traffic Commander will receive all changes in the state manual and ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Section for approval and data entry into the Records Management System. Traffic Engineering is responsible for generating quarterly reports regarding collision statistics.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISION INVESTIGATION REQUIREMENTS AND FORMATS

Traffic collisions shall be documented in one of following manners when they occur within the jurisdiction of this department:

- (a) ***Private property non-injury collisions*** : We typically do not respond to these collisions. No report should be accomplished unless special circumstances, such as DUI, hit and run, no driver's license, no insurance, or City property exist.
- (b) ***Non-injury collision with no special circumstances*** : A Crossroads Collision Report is accomplished by listing the entities on the Crossroads Collision Report. A brief narrative is required, however a map is not required. No PCF will be determined unless special circumstances dictate a full investigation.
- (c) ***Non-injury collision resulting in an impound for any reason*** : A Crossroads Collision Report is accomplished by listing the entities on the Crossroads Collision Report. No map is required. No PCF will be determined unless special circumstances dictate a full investigation. A GO, Seized Detail page, and brief narrative outlining impound is required.
- (d) ***Non-injury collision involving City property or vehicles*** : A Crossroads Collision Report is accomplished by listing the entities on the Crossroads Collision Report. Requires a narrative, statements from all parties and witnesses, citations issued, complaints of pain, photographs taken, and any other relevant details.
- (e) ***Any collision arising from a pursuit*** : a crossroads collision report is accomplished by completing a full investigation on the crossroads collision report.

TRAFFIC COLLISION REPORTING

- (f) ***Non-injury hit and run collisions without suspect information*** : A Crossroads Collision Report is accomplished by listing the entities on the Crossroads Collision Report. Requires a narrative to document the investigation. Requires a GO with entities to be accomplished. No map is required.
- (g) ***Non-injury hit and run collisions with suspect information*** : A Crossroads Collision Report is accomplished by listing the entities on the Crossroads Collision Report. Requires a full investigation to document the investigation. Requires a GO with entities to be accomplished. Map is required.
- (h) ***Complaint of pain collisions (No immediate medical attention sought)*** : A Crossroads Collision Report is accomplished by listing the entities on the Crossroads Collision Report. Documentation of injury will be listed on Page 3 of the Crossroads report. No PCF will be determined unless special circumstances dictate a full investigation. No narrative or map is required.
- (i) ***Complaint of pain collisions (Immediate medical attention sought – Ambulance transportation)*** : A Crossroads Collision Report is accomplished with a full investigation.
- (j) ***Injury Collisions*** : A Crossroads Collision Report is accomplished with a full investigation.

501.4.2 LATE REPORT COLLISIONS

- (a) Late (within 24 hours) injury collisions: Will be investigated and documented on a Crossroads Collision Report. No map required.
- (b) Late (over 24 hours) injury collisions: A Traffic Incident Report on a GO will be completed
- (c) Late (over 24 hours) non-injury reports: No report unless directed by a supervisor. If report is accomplished a Crossroads Collision Report is accomplished by listing the entities on the Crossroads Collision Report. No narrative or map is required.
- (d) Any citation issued will require a brief narrative outlining the circumstances of the citation being issued and citation number.

None of the above precludes an officer or PST from adding a narrative to any report if desired.

501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a fatal traffic collision, the Watch Commander shall notify the Traffic Commander to relate the circumstances of the traffic collision and seek assistance from the Traffic Section. In the absence of a Traffic Commander, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

AIRCRAFT ACCIDENTS

502.1 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.

502.1.1 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.

502.2 POLICY

It is the policy of the Bakersfield Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

502.3 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).

502.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

AIRCRAFT ACCIDENTS

502.5 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)

502.6 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) Kern County 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 Bakersfield Police Department supervisor should ensure the accident is still appropriately investigated and documented.

502.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

AIRCRAFT ACCIDENTS

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

502.8 DOCUMENTATION

All aircraft accidents occurring within the City of Bakersfield 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 Bakersfield Police Department members deployed to assist; other city and county resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

502.8.1 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.

502.8.2 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.

502.9 MEDIA RELATIONS

The Bakersfield Police Department Public Information Officer should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent

Bakersfield Police Department

Bakersfield PD Policy Manual

AIRCRAFT ACCIDENTS

to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The public information officer should coordinate with other involved entities before the release of information.

VEHICLE STORAGE AND IMPOUNDS

503.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Bakersfield Police Department. Nothing in this policy shall require the department to tow a vehicle.

503.2 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.

503.2.1 VEHICLE IMPOUND APPROVAL

Employees of the Bakersfield Police Department do not need approval from a supervisor to impound a vehicle. Any impound that has unusual circumstances shall be reported to, and approved by a supervisor.

503.2.2 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete vehicle storage report and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850).

503.2.3 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Bakersfield. The officer will then store the vehicle using a CHP Form 180.

503.2.4 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).

VEHICLE STORAGE AND IMPOUNDS

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.

503.2.5 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

503.2.6 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

503.2.7 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

Bakersfield Police Department

Bakersfield PD Policy Manual

VEHICLE STORAGE AND IMPOUNDS

503.2.8 RECORDS SECTION RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

503.3 TOWING SERVICES

The City of Bakersfield has contracted with a group of tow companies which are used on a rotational list. Generally, when a company is dispatched for a tow it rotates to the bottom of the list. There may be occasions when a company is dispatched and tows more than one vehicle for an officer.

The City of Bakersfield periodically selects a tow company to act as the official inside storage service. This firm will be used for storing vehicles in a manner which keeps the vehicle out of the elements and in an area appropriate for inspection.

503.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the department against fraudulent claims of lost, stolen, or damaged property.

503.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a

VEHICLE STORAGE AND IMPOUNDS

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.

503.6 RELEASE OF VEHICLE

The department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

VEHICLE IMPOUND HEARINGS

504.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

504.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded on a 30 day hold by any member of the Bakersfield Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

504.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

VEHICLE IMPOUND HEARINGS

where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

SOBRIETY CHECKPOINT OPERATIONS

505.1 PURPOSE AND SCOPE

The Bakersfield Police Department recognizes that driving under the influence of alcohol and/or drugs is one of the greatest contributors to traffic collisions and their related deaths and injuries. Sobriety checkpoints are an effective law enforcement tool involving the stopping of vehicles, or a specific sequence of vehicles, at predetermined locations, to detect drivers operating vehicles while under the influence of alcohol and/or drugs.

The operation of a sobriety checkpoint serves not only as a specific deterrent by arresting drivers who operate vehicles while under the influence of alcohol and/or drugs, but more importantly, as a general deterrent to persons who have knowledge of a checkpoint. Sobriety checkpoints increase the perception of the risk of arrest when they are adequately publicized and highly visible to the public.

The Bakersfield Police Department recognizes the sobriety checkpoint as one part of a continuing, systematic and aggressive overall program to reduce the number of traffic collisions occurring annually resulting in deaths, injuries and property damage within the City of Bakersfield due to incidents of impaired driving. This overall program must include vigorous and ongoing enforcement and public information and education components targeting the contributing causes of traffic collisions involving impaired drivers.

505.1.1 POLICY

The purpose of this policy is to provide guidelines for the operation of a sobriety checkpoint in order to maximize the deterrent effect and increase the perception of "risk of apprehension" of motorists who would operate a motor vehicle while under the influence of alcohol and/or drugs, reduce alcohol /drug related collisions, remove impaired motorists from roadways.

All sobriety checkpoints shall be conducted in such a manner as to minimize any intrusion or inconvenience upon the motoring public and to maximize program effectiveness, enforcement uniformity and, above all else, safety.

All sobriety checkpoints should be set and carried out in accord with all applicable statutes and court decisions addressing such operations.

Sobriety checkpoints shall not be used as a subterfuge to search for evidence of other crimes. However, law enforcement officers may initiate appropriate enforcement action for any violation of law detected while conducting a sobriety checkpoint.

505.2 SITE SELECTION

Sites for sobriety checkpoints may be based on a number of factors, including but not limited to the following:

- (a.) Incidents of alcohol and/or drug related collisions.
- (b.) Incidents of arrests for driving under the influence of alcohol and/or drugs.

SOBRIETY CHECKPOINT OPERATIONS

- (c.) Incidents of nighttime single vehicle crashes.
- (d.) Drinking establishments in close proximity to the location where the checkpoint is to be located.
- (e.) Any other documented alcohol and/or drug related vehicular incidents, i.e., citizen complaints.
- (f.) Ability to conduct a checkpoint safely, with primary consideration given for maintaining safety for motorists, and personnel assigned to the operation.
- (g.) Presence of adequate lighting, or the ability to provide sufficient supplemental lighting.
- (h.) Sufficient adjoining space to pull vehicles off of the traveled portion of the roadway.
- (i.) The availability of an alternative route for drivers choosing to avoid checkpoint operation.
- (j.) The posted speed limits, traffic volume and visibility to motorists as they approach the checkpoint in line with the number of uniformed officers and others available.
- (k.) Adequate adjoining space for support vehicles, media, data collection and other ancillary personnel.

505.2.1 APPROVAL OF SITES

Prior approval: All sobriety checkpoint sites shall be approved prior to use by either the Bakersfield Police Department Traffic Lieutenant, Field Services Captain, Chief of Police or his/her designee.

Approval Review: Any site having received prior approval as outlined above shall be considered to be "pre-approved" and may be used for conducting a sobriety checkpoint unless such approval shall have been revoked by the Traffic Lieutenant or higher ranking officer. All approved sites should be subject to periodic review. Prior to use, the Sergeant in charge should visually inspect the site location to confirm no conditions exist since their last use that would render them unsafe.

Site drawing: A site drawing or sketch of each approved site shall be made and kept as a part of the records of each sobriety checkpoint conducted. Such drawing or sketch should indicate the approximate location of the following:

- (a.) Screening Officers
- (a.) Warning signs
- (b.) Barricades
- (c.) Support vehicles
- (d.) Field testing area
- (e.) Impound area
- (f.) Observation / Data gathering area
- (g.) Alternative route/s

SOBRIETY CHECKPOINT OPERATIONS

Date/time/duration: The date, time and duration of any checkpoint shall be determined by the Sergeant in charge, with checkpoints generally being operated for a period of four to six hours (not including briefing, setup and breakdown).

505.2.2 ALTERNATIVE SITES

In the event that a checkpoint site selected and approved for a particular date and time becomes unsafe due to traffic congestion or impracticable for other reasons, the Sergeant in Charge may move the checkpoint site to an alternative site, provided that such alternative site has also been previously approved by the Traffic Lieutenant, Field Services Captain, or Chief of Police and no new conditions exist rendering the site unsafe. The Sergeant in charge should consider moving a checkpoint location to a previously approved alternative location periodically, in an effort to increase the public's perception that if they choose to drink and drive the likelihood of them being stopped at a checkpoint and arrested is increased.

505.3 STAFFING AND DUTIES

Sobriety Checkpoints conducted by Bakersfield Police personnel should be done so with a minimum of two Sergeants present, with one Sergeant identified as the Sergeant in charge of the operation. Both Sergeants share the responsibility for monitoring the screening area and impound area to ensure the lawful and safe operation of the checkpoint.

A sufficient number of uniformed personnel and marked police vehicles shall be assigned to sobriety checkpoints to reassure motorists that the stop is legitimate and orderly and to minimize any fear, surprise or apprehension of the motoring public.

505.3.1 SERGEANT IN CHARGE

The Sergeant in charge should familiarize himself/herself with all statutes and policies addressing the Sobriety Checkpoint operations. The Sergeant in charge will ensure that proper operational procedures are followed and that all pertinent records regarding the checkpoint are maintained.

Prior to conducting a sobriety checkpoint, the Sergeant in charge shall ensure a briefing is conducted informing all checkpoint personnel as to:

- (a.) Site location
- (b.) Checkpoint operational procedures
- (c.) Neutral formula for screening vehicles
- (d.) Personnel assignments as to setup, operation and breakdown of the sobriety checkpoint
- (e.) Placement and utilization of safety equipment and support vehicles
- (f.) Site drawing

The Sergeant in charge of the sobriety checkpoint should take such measures deemed prudent and necessary for maintaining a smooth flow of traffic and to provide a safe environment for the motoring public and the officers working the checkpoint.

SOBRIETY CHECKPOINT OPERATIONS

The Sergeant in charge shall have the discretion to modify, interrupt or terminate checkpoint operation should staffing or conditions present a safety hazard to the motoring public or officers if the checkpoint were to continue.

The Sergeant in charge should cause any modification, interruption or termination of the checkpoint to be documented and ensure that such documentation is maintained in the sobriety checkpoint folder with other pertinent information related to checkpoint operations.

505.3.2 PARTICIPATING OFFICERS

Staff assigned to the sobriety checkpoint should attend briefing, where the Sergeant in charge will advise them of their duty assignments and responsibilities during the checkpoint operation.

Traffic volume, roadway setup, and posted speed limits are some factors the Sergeant in charge should consider when determining the number of uniformed officers to be present.

In the event the number of officers available and actively working the checkpoint, including the officer in charge, should drop below four (4), the checkpoint shall be suspended or terminated.

505.3.3 DATA COLLECTORS

Persons present at a sobriety checkpoint for the purpose of collecting and gathering information and data shall do so in an area designated for such and shall be subject to the directions of the Sergeant in Charge. Such persons shall wear appropriate clothing as directed by the Sergeant in Charge.

Other law enforcement and traffic safety professionals, as well as other individuals may be present at a sobriety checkpoint, as approved by the Sergeant in Charge, and are subject to the directions of the Sergeant in Charge.

505.4 PUBLIC SAFETY / TRAFFIC CONTROL

The following safety devices and procedures should be used during the operation of the sobriety checkpoint:

(a.) The Sergeant in charge of the checkpoint operation should ensure personnel assigned to set up the checkpoint (signs, cones, etc.) shall do so in a safe and efficient manner. During the checkpoint set up personnel assigned to operate the vehicle pulling the trailer carrying the cones and signs will be followed by a minimum of one marked patrol unit with its emergency lights activated warning approaching motorists of personnel in the roadway. This "blocking vehicle" should remain behind the cone trailer until all cones and signs are in place along the checkpoint route. This same procedure should be followed during checkpoint breakdown after the checkpoint operation has been terminated by the Sergeant in charge.

(b.) A sign indicating that a sobriety or DUI checkpoint is ahead shall be posted prior to the checkpoint location. Such a sign shall be posted at a distance sufficient to give notice so as to allow a motorist to safely avoid the checkpoint if they chose to do so.

(c.) Signage, traffic cones and/or flashing or reflective barricades and/or personnel (whether they be uniformed officers or others) shall be used beginning at a distance that will allow sufficient

SOBRIETY CHECKPOINT OPERATIONS

warning of the impending stop. Sufficient traffic cones, flashing or reflective barricades and/or other similar devices shall be used to adequately direct the flow of traffic through the checkpoint.

(d.) An adequate number of marked police vehicles should be present and visible at the checkpoint to motorists passing through the checkpoint operation.

(e.) At the location of driver contact with the screening officers, a sign directing drivers to stop for the checkpoint shall be posted.

(f.) All personnel working the checkpoint shall wear a department approved reflective traffic safety vest.

(g.) All signage shall be of sufficient size and reflectivity to allow them to be seen and read.

(h.) Adequate lighting shall be present at each sobriety checkpoint site.

505.4.1 TRAFFIC THROUGH THE CHECKPOINT

The Sergeant in charge of the checkpoint operation shall determine the neutral formula to be used in determining which vehicles are to be stopped and drivers contacted by officers.

The Sergeant in charge shall stipulate specific vehicles to be stopped in accordance with a pre-designated system (i.e., every vehicle, every 2nd, 3rd, 4th, et cetera). Once the checkpoint operation has commenced, the Sergeant in charge may decide it is necessary to change the neutral formula for screening vehicles based upon the traffic flow or other conditions present. The Sergeant in charge of the checkpoint operation should assure any modifications to vehicle contact be noted and maintained in the checkpoint folder. The Sergeant in charge should also ensure a count is maintained regarding the number of vehicles passing through the checkpoint, and the number of vehicles actually screened by officers.

The duration of each stop shall be only that time required to determine if any further inquiry or investigation is warranted to identify if the driver is operating the vehicle under the influence of alcohol and/or drugs.

505.5 DRIVER CONTACT

Screening Officers should:

(a.) Greet all drivers of stopped vehicles, giving the purpose for the checkpoint.

(b.) Make general inquiries of the driver that require a response, including a request for a driver's license, while observing the subject for signs of intoxication or impairment.

(c.) Allow the driver to continue if no impairment is detected and no other violation requiring action is observed.

(d.) In the event driver intoxication or impairment is detected, the driver of the vehicle shall be immediately removed from behind the driver's wheel of the vehicle and escorted, on foot to the designated testing area for further evaluation.

SOBRIETY CHECKPOINT OPERATIONS

(e.) In the event some other violation requiring action is observed, the driver shall be directed to a previously designated area for further action.

505.5.1 DRIVER INTOXICATION OR IMPAIRMENT DETECTED

In the event driver intoxication or impairment is detected and the driver has been directed to the designated testing area, the testing officer shall conduct a further investigation, including, but not limited to, standardized field sobriety tests and preliminary breath test to evaluate whether or not the driver is under the influence of alcohol and/or drugs.

(a.) Drivers deemed not to be under the influence of alcohol and/or drugs will be returned to his or her vehicle and released.

(b.) Drivers determined to be under the influence of alcohol and/or drugs shall be placed under arrest for the appropriate criminal charge. The arresting officer is responsible for assuring the appropriate evidentiary chemical test is obtained from the suspect.

505.5.2 VEHICLES AVOIDING THE SOBRIETY CHECKPOINT

Vehicles observed avoiding the sobriety checkpoint shall not be stopped unless there exists a reasonable, articulable suspicion for such stop.

505.6 MEDIA RELATIONS

The existence and use of sobriety checkpoints should be publicized. The Sergeant in charge of the checkpoint operation should notify the media at least 24 hours prior to the operation taking place. However, it shall be the policy of the Bakersfield Police Department to provide the media with a date for the checkpoint operation without providing the actual location or times of the operation. Media should be notified of the following; The Bakersfield Police Department will conduct a Sobriety Checkpoint on MM/DD/YY at an undisclosed location in the City of Bakersfield.

505.7 DISPOSITION OF PASSENGERS AND VEHICLES

Vehicles of persons arrested at the sobriety checkpoint shall be stored/impounded in accordance with current Bakersfield Police Department Vehicle Towing and Release Policy.

Officers at the sobriety checkpoint should permit passengers in vehicles of persons arrested at the sobriety checkpoint to obtain or arrange alternative transportation, if those passengers are not arrested or charged with criminal acts.

505.8 OTHER NOTIFICATIONS

All police agencies and emergency dispatch centers affected by the checkpoint operation should be notified prior to the beginning and at the termination of any sobriety checkpoint.

505.9 SEVERABILITY; GUIDANCE

If any provision of this policy shall, for any reason and to any extent, be declared to be invalid, or is modified by the order of a court of law of competent jurisdiction, the remainder of this policy shall

Bakersfield Police Department

Bakersfield PD Policy Manual

SOBRIETY CHECKPOINT OPERATIONS

not be affected thereby but rather shall remain in full force and effect until and unless modified or replaced.

Failure to follow specific recommendations herein shall not invalidate the operation of any checkpoint.

IMPAIRED DRIVING

506.1 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).

506.2 POLICY

The Bakersfield Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

506.2.1 COLLECTING BLOOD EVIDENCE

Only a certified phlebotomy technician, licensed physician, nurse or other individual authorized by Vehicle Code § 23158(a) may withdraw a blood sample. Whether such evidence is collected at the Department or other location, the withdrawal of the blood sample shall be witnessed by the assigned officer.

No officer or employee of the Bakersfield Police Department, including those with prior medical training, is authorized to perform blood sample withdrawals of arrestees.

When a person cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician for a heart condition, he or she shall not be required to take a blood test (Vehicle Code § 23612(b) and (c)). A statement by the arrestee that he/she is subject to one of the above medical conditions is sufficient for the officer to assume that the subject qualifies for the exemption.

All blood samples shall be booked into evidence for later transfer to the crime laboratory for analysis.

506.2.2 COLLECTING BREATH AS EVIDENCE

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).

506.2.3 TESTING OF CONSCIOUS PERSON AT A HOSPITAL

If a timely breath test cannot be administered because the person is transported to a medical facility where such tests cannot be facilitated, the person shall be advised that a blood test will be the only choice available and a blood sample may be taken at the medical facility (Vehicle Code § 23612(a)(3)).

Based on probable cause, the officer should place the conscious person under arrest in the presence of a witnessing officer or medical personnel and advise the attending physician of the intention to collect a sample of the person's blood. Unless the attending physician objects for medical reasons a blood sample will be collected in the prescribed manner.

IMPAIRED DRIVING

506.2.4 TESTING OF DECEASED PERSON AT A HOSPITAL

A person who is deceased is deemed not to have withdrawn his or her consent and a test or tests may be administered. In such cases the handling officer should coordinate with the Coroner's Office to ensure that a viable test will be obtained (Vehicle Code § 23612(a)(5)).

506.2.5 EXIGENT CIRCUMSTANCES DOCTRINE

Under the exigent circumstances doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. The above sections will generally come within the guidelines of the exigent circumstances doctrine.

506.3 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.

506.4 FIELD TESTS

The Traffic Lieutenant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

506.5 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests 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).
- (e) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal (Vehicle Code § 23612(a)(5)).

506.5.1 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 his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is

IMPAIRED DRIVING

incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

506.5.2 BREATH SAMPLES

The Traffic Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Lieutenant.

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)).

506.5.3 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 he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

IMPAIRED DRIVING

506.5.4 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).

506.5.5 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

506.5.6 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

506.6 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.

506.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

IMPAIRED DRIVING

506.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she 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 his/her 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.

506.6.3 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)).

506.7 RECORDS SECTION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

IMPAIRED DRIVING

506.8 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

506.9 TRAINING

The Training & Logistics Division Lieutenant 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 & Logistics Division Lieutenant should confer with the prosecuting attorney's office and update training topics as needed.

506.10 ARREST AND INVESTIGATION

506.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic accident.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to him/herself or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

506.10.2 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

507.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

507.2 RESPONSIBILITIES

The Traffic lieutenant shall be responsible for the development and design of all department traffic citations in compliance with state law and the Judicial Council.

The Records detail shall be responsible for the supply and accounting of all traffic citations authorized for use by employees of this department.

507.3 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 Traffic lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic lieutenant may request the Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Division Commander for review.

507.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Detail.

507.5 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 notice of correction and proof of service form to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Detail. The Traffic Detail shall prepare a copy of the notice of correction and proof of service form to the court having jurisdiction and to the recipient of the citation.

Bakersfield Police Department

Bakersfield PD Policy Manual

TRAFFIC CITATIONS

507.6 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

507.6.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Detail who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Detail of the Bakersfield Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

507.6.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

507.6.3 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).

Bakersfield Police Department

Bakersfield PD Policy Manual

TRAFFIC CITATIONS

- (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.

507.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

DISABLED VEHICLES

508.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

508.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

508.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

508.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

508.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

508.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

72-HOUR PARKING VIOLATIONS

509.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Bakersfield City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

509.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Bakersfield 72-Hour Parking Ordinance shall be marked and noted on the Bakersfield Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

After a vehicle has been marked in violation of the City of Bakersfield 72-hour Parking Ordinance, the marked vehicle will be entered into the 917 queue in Versadex as "marked" for follow-up in 72 hours.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

509.2.1 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Records Section to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS) (Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Chapter 6 - Investigation Operations

INVESTIGATION AND PROSECUTION

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 MODIFICATION OF CHARGES FILED

Employees are not permitted to recommend to the District Attorney, or to any other official of the court that charges on a pending case be altered or the case be dismissed without permission of a sworn supervisor, the rank of sergeant or above. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be documented in the corresponding report, and include the reason for the recommendation and name of approving supervisor.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Investigations Division Supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should not allow the recording to take the place of a thorough report and investigative interviews and should continue to obtain written statements from suspects when applicable.

600.4 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practicable.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result 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 and the appropriate prosecutor.

DIGITAL IMAGES STANDARD OPERATING PROCEDURES

601.1 PURPOSE AND SCOPE

These policies and procedures have been developed as a guide for personnel, on the proper application of digital imaging technology for the Bakersfield Police Department. The following procedures fall within the guidelines of the Federal Bureau of Investigation Scientific Working Group on Imaging Technologies (SWGIT). This will include the details concerning the taking of digital photographs, download procedures, storage of digital images, distribution, control, and dissemination of digital images. These procedures are put in place to protect the evidentiary integrity of all digital images captured.

Digital image evidence shall be processed through, stored, and disseminated by the Bakersfield Police Department Crime Scene Unit.

601.1.1 INTENDED PURPOSE OF DIGITAL IMAGES

Digital photography and digital imaging technologies are to be used by the Bakersfield Police Department for the following purposes:

- (a) The accurate documentation of a crime scene, creating a visual record.
 - 1. Images that are captured with a digital camera are original images, and will be equivalent to 35mm negative film.
 - 2. Under no circumstances will digital images be deleted in the field.
- (b) To create images that will be used for historical documentation, training, public relations, and any other use, not related to a criminal investigation. Digital images captured for these purposes are not subject to legal procedural requirements imposed upon evidentiary images. These photos will not be archived with case photos.
- (c) Used by the Crime Scene Unit, to record images relative to the investigation of a criminal offense (latent fingerprints, trace evidence, etc.) These images will be captured and maintained in the same procedures as case photos.

601.2 DIGITAL CAMERA MINIMUM SPECIFICATIONS

The following are minimum specifications for the digital cameras issued by the Bakersfield Police Department. The minimum standards can be obtained through the purchase of a variety of digital cameras. No specific brand is recommended for purchase. Any camera that is purchased must be compatible with the current computer system in place, and supported by the City of Bakersfield's IT Unit.

DIGITAL IMAGES STANDARD OPERATING PROCEDURES

601.2.1 LEVEL ONE

This level of camera is designed to capture images that will be acceptable in court for evidentiary purposes. The resolution at this level of a photographic enlargement will allow the viewer to testify to accurate depiction of the crime scene. These cameras will be issued to Officers, Detectives, and Police Service Technicians for photographing domestic violence, traffic accident scene, and various other crime scenes.

- (a) Image Resolution: 5.0 mega pixels minimum
- (b) Lens: Fixed focus lens
- (c) Image Storage Format: Removable memory card
- (d) Image Recording Format: JPEG and TIFF formats
- (e) Exposure Controls: fully automatic
- (f) Flash Capability: built in flash
- (g) Focusing Capability: automatic
- (h) White Balance: automatic
- (i) Interface Capability: USB
- (j) Viewfinders: TTL (through the lens)
- (k) Power Source: battery

601.2.2 LEVEL TWO

This level of camera is needed for greater digital image quality. The resolution from these cameras will allow the enlargement of an image to 16X20, with little or no pixel visibility. These cameras must also have the capability to interchange lenses and work with various light sources. These cameras may also be used for crime scene documentation. These cameras will be assigned to personnel in the Crime Scene Unit, and other personnel assigned to specific units Bomb Squad, Traffic Units investigating fatal traffic accidents, Narcotics and Specialized Enforcement Units.

- (a) Image Resolution: 8.0 mega pixels minimum
- (b) Lens: Removable and interchangeable lenses, to include wide angle lens
- (c) Image Storage Format: Removable memory card
- (d) Image Recording Format: JPEG, TIFF, and RAW data formats
- (e) Exposure Controls: Fully automatic (shutter priority, aperture priority, fully programmable) and full manual settings
- (f) Shutter Speed Capability: Able to set from "bulb" settings and upward
- (g) Flash Capability: Built in auto flash, external flash attachment (hot shoe) with PC socket (detachable flash cord)

DIGITAL IMAGES STANDARD OPERATING PROCEDURES

- (h) Focusing Capability: Manual and auto focus capability
- (i) White Balance: Automatic or selective white balance
- (j) Interface Capability: USB
- (k) Viewfinder: TTL (through the lens)

601.2.3 LEVEL THREE

This level of camera is required for specialized image capture. This would include macro-photography, latent print photography, and shoe/tire photography that would require the minute details in the enlarged print, for comparison purposes.

- (a) Image Resolution: 10.0 mega pixels minimum
- (b) Lens: Removable mount lens
- (c) Image Storage Format: Removable memory cards/media
- (d) Image Recording Format: JPEG, TIFF, and RAW formats
- (e) Exposure Control: Fully automatic (shutter priority, aperture priority, fully programmable) and fully manual settings
- (f) Shutter Speed Capability: Able to set shutter speeds from "bulb" to 1/4000 seconds
- (g) Flash Capability: Built in flash and external flash attachment (Hot shoe and PC socket)
- (h) Focusing Capability: Manual and auto focus capability
- (i) White Balance: Automatic or selective white balance
- (j) Interface Capability: USB
- (k) Viewfinder: TTL (through the lens)

601.3 PROCEDURES

Care of Equipment - Equipment utilized should be checked regularly for proper performance (camera, lens, flashes, scanners, etc). Equipment should be maintained according to manufacturer's specifications and recommendations. Refer to the operating manuals. When a piece of equipment fails to operate properly, it shall be taken out of service until repairs can be completed.

Image Capture Devices - Digital images shall only be captured with equipment approved and authorized by the Bakersfield Police Department. Should an employee use a personal camera for digital imaging capture, the camera must be approved and meet the specifications required for evidentiary purposes. It shall be the responsibility of the Crime Scene Unit, along with the Training Division to research, approve, and authorize all digital imaging equipment, to insure compatibility with the systems used by the Bakersfield Police Department.

Image Compression - Original images will be maintained in a JPEG, TIFF, or RAW format. If JPEG is used, then the highest quality option is recommended to limit the chances of losing

DIGITAL IMAGES STANDARD OPERATING PROCEDURES

critical information. Images saved and printed from a compressed image with the least amount of compression are acceptable in court, as long as the person can testify the image is a "fair and accurate representation" of the scene as originally photographed.

Chain of Custody - After the digital images have been captured, all images must be either downloaded at one of the digital imaging download sites, or downloaded by one of the Crime Scene Unit technicians. Under no circumstances may images from a camera card be deleted, copied, transferred, emailed, or printed prior to downloading into the digital imaging management system. At no time may memory cards be downloaded into a non-department download station, personal computer, or other digital image storage device that has not been approved by the Crime Scene Unit.

Downloading Errors - In the event of a download error, or corrupt file error, the camera card must be removed and given to personnel in the Crime Scene Unit, for specialized image extraction. Do not replace the camera card or take additional photographs prior to the Crime Scene Unit downloading the images and re-formatting the card.

Digital Image Maintenance - Digital images taken within the Bakersfield Police Department for law enforcement use will be maintained and archived by the personnel within the Crime Scene Unit. Once the images have been downloaded, they will automatically be archived onto a DVD, with every case put on a back up DVD. Should the implementation of a digital imaging management system be put into operation, the images will be downloaded and archived under the specifications of the system. Once the images have been transferred from the camera card or other media, the images will only be accessible by Crime Scene Unit personnel, and the original images will be completely unalterable.

Image Processing/Development/Enhancement - Image processing, development, or enhancement is any process intended to improve the visual appearance of an image. This includes processes that can only be accomplished using a computer.

Documentation of Digital Image Processing/Development/Enhancement - Techniques common to traditional darkrooms and digital imaging stations, such as cropping, dodging, color balancing, and contrast adjustment, that are used to achieve an accurate recording of an event or objects, are standard processing steps. Documentation is not mandatory, when these steps are used to develop an image. Documentation of other techniques will be recorded, and with the implementation of a digital imaging management system, these steps will be recorded in the history tracker of the system.

Transmission, Distribution, and Dissemination of Digital Images - Distribution of digital images will follow the rules put into place regarding the release of records, evidence, and photographs. The original files will remain in their unaltered form. Photographic reprints will be produced from the original file, to maintain evidentiary integrity. Regardless of the type of output released by the photo lab, the images will be treated as an original photograph, and may be used for law enforcement purposes only. Requesters attempting to obtain crime scene images

DIGITAL IMAGES STANDARD OPERATING PROCEDURES

must follow the procedures currently in place, and obtain proper authorization before images are released.

Image Output - Any output devices being utilized should be capable of producing an accurate representation of the original input image. Regardless of the final output (CD, DVD, etc.) all images are the property of the Bakersfield Police Department and may be used for law enforcement purposes only. Release to insurance companies, victims, etc. must be authorized by the Chief of Police.

601.3.1 TRAINING OF PERSONNEL

It shall be the responsibility of each division within the Bakersfield Police Department to ensure that each employee who utilizes digital technology is properly trained in the use of the equipment, and has a full understanding of the operating procedures in place. If persistent problems occur with individuals, regarding image quality, exposure, images out of focus, the Crime Scene Unit will contact the employee and attempt to correct errors that are noted.

601.4 COMPUTER SYSTEM MINIMUM REQUIREMENTS

The computer systems will be determined by the IT Department of the City of Bakersfield and the Digital Imaging Management System that is purchased by the Bakersfield Police Department Crime Scene Unit.

601.5 DEFINITIONS

Archiving - Long term storage of an image

Archive Image - Either the primary or original image stored on media suitable of long term storage

Calibration - The act of checking or adjusting the accuracy of a measuring instrument. A calibrated digital camera records an image of a specific shade of red. That image, when displayed or printed, would reproduce that same shade of red accurately

Capture - The process of recording an image

Chain of Custody - The chronological documentation of the movement, location, and possession of evidence

Compression - The process of shrinking or condensing data to reduce the file size. There are two types of compression: lossless and lossy. The lossless method shrinks a file in such a way that when the file is decompressed, the image will appear exactly as before it was compressed. The lossy method will discard some of the data during the compression process, so that when the image is decompressed, it will not have the same values as the original image.

Copy Image - A reproduction of information contained in a primary or original image

Digital Image - An image that is stored in numerical form

DIGITAL IMAGES STANDARD OPERATING PROCEDURES

Digital Image Enhancement - Computer dependent techniques used to clarify details within an image in order to facilitate the analysis and/or comparison of the image content. Examples include: brightness and contrast adjustment, color correction, and image reversal.

Duplicate Image - An accurate and complete replica of the primary image

File Format - The structure by which data is organized in a file

Image Enhancement - Any process intended to improve the visual appearance of an image

Image Output - The means by which an image is presented for examination or observation

Image Processing - Any activity that transforms an input image into an output image

Image Processing Log - A record of steps used in the processing of an image

Image Restoration - Any process applied to an image that has been degraded by a known cause, such as de-focus or motion blur, so the effects of that degradation are partially or totally removed

Image Verification - A process by which an individual or image verification device identifies an image as being an accurate representation

JPEG (Joint Photographic Experts Group) - A lossy image compression process. Users can set their own quality settings on a sliding scale within the camera settings and some software applications

Lossless Compression - Compression in which no image data is lost and the image can be retrieved in its original form

Lossy Compression - Compression in which image data is lost and the image cannot be retrieved in its original form

Original Image - An accurate and complete replica of the primary image, irrespective of media

Processed Image - An output image

Storage Media - Any object on which the image is preserved

TIFF (Tagged Image File Format) - A standardized image file exchange format. TIFF formats can be lossy and lossless

Traditional Enhancement Techniques - Techniques that have direct counterparts in traditional darkrooms. They include brightness and contrast adjustments, color balancing, cropping, dodging, and burning an image

Working Image - Any image that is subjected to processing, or a compressed copy of an original image, used for distribution or display purposes

Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Bakersfield Police Department that its members will thoroughly and diligently investigate reports of sexual assault, identify and apprehend perpetrators, and respect the rights and dignity of all persons.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

Sexual Assault Investigations

602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 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 Special Victims Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 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.

The follow-up interview may be delayed to the following day based upon the circumstances unless delay poses a risk to the victim or the community. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.6.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) 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, any other rights of a sexual assault victim pursuant to 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).

Sexual Assault Investigations

2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.6.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.7.1 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). Generally, 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

Bakersfield Police Department

Bakersfield PD Policy Manual

Sexual Assault Investigations

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(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.7.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
 - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 - 2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the 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 of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon

Sexual Assault Investigations

request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.8 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 Special Victims Unit supervisor.

Classification of a sexual assault case as unfounded requires the Special Victims Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

FINANCIAL CRIME INVESTIGATIONS

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the handling of financial crimes. This policy will provide information to employees of the Bakersfield Police Department that will assist them in completing reports and investigations as well as provided much need information to the public as to how to best handle their needs and make the best use of the resources of this Department.

Financial Crimes are criminal offenses committed through fraud, deception, or unauthorized use or appropriation of money, property, or financial instruments. Financial Crimes include but are not limited to embezzlement, check-writing offenses, forgery, and identity theft.

603.2 PROCEDURAL CONSIDERATIONS

It is imperative to remember the words report and investigation are separate and have different meanings. A report is a written account of what has transpired and an investigation is a detailed inquiry or systemic examination of an occurrence. The following outlines the duties and responsibilities of the various departmental entities involved in financial crimes.

603.2.1 COMMUNICATIONS CENTER PROCEDURE

Dispatch officers to:

- In progress crimes
- Offenses where a suspect is in custody
- Offenses that have just occurred and viable suspect information is obtained

For offenses in which an officer will not be dispatched, refer the reporting party to the Bakersfield Police Department website for online reporting, enter the call into the mail-in report queue, or the telephonic queue if the following criteria are met:

- The offense occurred within our jurisdiction
- The victim resides in our jurisdiction and the offense occurred elsewhere (as per California Penal Code section 530.6)

All other reporting parties will be referred to the law enforcement agency having jurisdiction of their place of residence.

Case numbers will not be provided to parties requiring a mail-in report. They will be provided with a case number upon completion of the reporting process by the clerk assigned to the Financial Crimes Detail.

603.2.2 PATROL PROCEDURES

When dispatched to a financial crimes offense and it is determined an crime has occurred, the patrol officer will:

- Accomplish a G.O.

FINANCIAL CRIME INVESTIGATIONS

- Seize all evidence and book accordingly and make reasonable efforts to identify the suspect.
- Officers who are dispatched to a call will not provide the reporting party with a mail-in report.
- The desk officer may provide a mail-in report to those reporting parties who respond to the police department after ensuring the offense meets the criteria listed in the Communication Center Procedure.

603.2.3 RECORDS SECTION

Records personnel will mail a financial crimes mail-in report form to the reporting party. When the form is returned, the report and any documents provided by the reporting party will be forwarded to the Financial Crimes clerk.

603.2.4 FINANCIAL CRIMES CLERK

The clerk assigned to this position will:

- (a) Obtain the case number assigned to the report and provide that number to the reporting party
- (b) Accomplish a G. O. for the report.
- (c) Scan all documents provided by the reporting party into the report.
- (d) Forward any evidence provided to the assigned detective

In the absence of the clerk assigned to Financial Crimes, the detail supervisor will assign personnel to accomplish these duties.

603.3 INVESTIGATIONS DIVISION/FINANCIAL CRIMES DETAIL

603.3.1 INVESTIGATIVE CONSIDERATIONS

The supervisor of the Financial Crimes Detail will review all incoming reports to determine if they meet the criteria for investigation. In order for an investigation to take place, one or more of the following criteria must be met:

- If the actual amount of loss is less than \$10,000, there **WILL NOT** be an investigation regardless of any reimbursement by insurance or a financial institution, unless directed by the Financial Crimes Supervisor.
- If the victim has been reimbursed or relieved of the fiscal responsibility by a financial institution, there will not be an investigation unless the amount of loss is greater than \$25,000 and the financial institution fully and freely cooperates with the investigation, including providing documentation and evidence without demand for search warrants or subpoenas.
- The suspect is on probation or parole for a similar offense
- The crime is considered elder abuse
- The crime is part of a serial offense

FINANCIAL CRIME INVESTIGATIONS

- The report involves an arrest
- A request has been made by an outside agency as part of their investigation and the Financial Crimes Supervisor agrees an investigation is appropriate

The Financial Crimes Supervisor may direct an investigation into any other crime at his or her discretion, based on a reasonable assessment of successful prosecution, department resources, and public safety.

603.3.2 REPORT ONLY CRITERIA

Misdemeanor offenses and the following types of incidents **WILL NOT** normally be investigated:

(a) **Checks**

1. Two party or co-endorsed checks
2. No identification taken by the acceptor
3. Improper or incorrect identification taken
4. Acceptor of checks not identified
5. Checks on which the suspect wrote their own identification numbers without acceptor authentication
6. Checks over 60 days old
7. Postdated checks
8. Partial restitution or arrangement for repayment has been made
9. Checks drawn on out-of-state banks
10. Subsequent deposit on account
11. Sufficient funds in account on date written or meeting the \$10,000.00 threshold (NFS checks).
12. Checks not passed in our jurisdiction
13. Acceptor cannot make a suspect identification and there is no independent evidence to identify the suspect
14. Financial institution will not provide documentation
15. Offense occurring online or by phone, when the victim had no personal contact with the suspect
16. Attempts only which no loss was suffered

(b) **Access Cards**

1. Acceptor not identified
2. Acceptor cannot make a suspect identification and there is no independent evidence to identify the suspect

FINANCIAL CRIME INVESTIGATIONS

c. Identity Theft

1. Offenses reported by victims who reside in our jurisdiction that occurred outside our jurisdiction (we will take a report and forward it to the appropriate jurisdiction for investigation)
2. Use of identity for tax or employment purposes
3. Traffic citations or arrests using fictitious information (to be handled by original arresting officer)

603.4 OTHER FRAUDULENT ACTIONS

- (a) Embezzlements committed by schemes, such as fraudulent bookkeeping and counterfeiting practices, forged or fraudulent checks, invoices or business records will be investigated by the Financial Crimes detail provided they meet the criteria for an investigation.
- (b) Reports concerning non-payment of rent for residents of residential facilities for the elderly, skilled and long term facilities, and other community facilities providing housing for the elders and dependent adults, wherein the funds for the rent are provided through the Social Security Administration, will be forwarded to the Social Security Administration for action.
- (c) During the course of any investigation, the victim may be contacted to provide additional documents or assist the assigned detective in obtaining information required to complete the investigation. This may include conducting audits for embezzlement cases. Failure to cooperate and assist in the investigation will result in the case being closed.
- (d) The following will only be investigated if it is a crime in progress; otherwise the reporting party will be referred to the appropriate agency:
 1. Altered or counterfeit lottery tickets - California Lottery Commission, 600 North Tenth Street, Sacramento Ca, 95814, (916) 323-7095
 2. Forged/Counterfeit Social Security Checks: Social Security Administration, <http://www.ssa.gov>
 3. Forged/Counterfeit Unemployment Checks: State of California Employment Development Department, <http://www.edd.ca.gov>
 4. Forged/Counterfeit Welfare Checks, Food Stamps or Debit Cards: Kern County District Attorney Special Investigations Unit, <https://www.kerncounty.com/government/departments/district-attorney/district-attorney-bureau-of-investigation/investigative-services>
 5. Counterfeit U.S. Currency: United States Secret Service, <http://www.secretservice.gov>
 6. Counterfeit Drivers License/DMV Documents: California Department of Motor Vehicles <https://www.dmv.ca.gov/portal/dmv-complaints-ffinv-1/>

Bakersfield Police Department

Bakersfield PD Policy Manual

FINANCIAL CRIME INVESTIGATIONS

7. Theft of mail will be forwarded to the local U.S. Postal inspector for investigation. Subsequent crimes from the initial mail theft may be handled by this agency at the discretion of the financial crimes supervisor.

603.5 CONCLUSION

Employees should use this policy as a guideline. Patrol officers should use this as a reference as the initial responder to most calls of this nature. There will be numerous instances in which the patrol officer can refer the reporting party to the appropriate agency without taking a report. Adding a memo to the call indicating the action taken will be sufficient.

ASSET FORFEITURE PROCEDURE

604.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with investigations involving specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats or aircraft. It shall be the policy of this department that forfeiture actions are the ultimate responsibility of the Narcotics Detail.

604.2 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).

The Bakersfield Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Bakersfield Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

604.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a supervisor shall be notified. The following guidelines will be observed:

- (a) Notify the "On Call" Narcotics Sergeant at the first available moment when forfeiture is anticipated. This may include: the scene of a vehicle stop, a street detention, or during service of a search warrant. With this phone call, a determination will be made for any need to have a Detective respond for follow-up and to ensure the proper disposition of the seized property. If the combined value of all property and/or currency subject to be forfeited is in excess of \$20,000.00, the Narcotics Sergeant shall be notified and a Forfeiture Response Team will be directed to the scene. They will take responsibility for the forfeiture process. In the case of a proposed vehicle seizure, regardless of value, the Narcotics Sergeant shall be notified. The Narcotics Sergeant will determine

Bakersfield Police Department

Bakersfield PD Policy Manual

ASSET FORFEITURE PROCEDURE

if the Forfeiture Response Team will be directed to the scene to handle the vehicle forfeiture process.

- (b) A determination will be made to proceed with the seizure based upon the nature of the criminal activity, the value of the property to be seized (how much will the forfeiture deter and punish wrongdoing, and to a lesser degree, aid law enforcement). Also, an evaluation will be made of the standing of "innocent" third parties to a claim such as lien holders and appropriate forms will be completed for submission. If it is determined that the forfeiture will proceed the deputy district attorney in charge of asset forfeiture will be contacted to authorize the forfeiture during regular business hours. After hours the on-call district attorney will be contacted.
- (c) If a Detective is not going to respond, it is the responsibility of the Forfeiture Certified officer present to insure proper service of the following documents:
 - 1. The Receipt for Seizure and Personal Notice of Non-Judicial Forfeiture must be completed and served upon those with any interest in the items seized and all others present at the time of seizure.
 - 2. A notice of Initiation of Non-Judicial Forfeiture will be completed and outline property seized, persons present who waived interest, persons who were served with notice, and persons not present with an interest in the property.
 - 3. A Financial Investigations Checklist for each person interviewed regarding seized property.
 - 4. A Disclaimer of Ownership of Property (English/Spanish) will be completed and should be signed by anyone present who may later lay claim to the property but who did not claim it at the time of seizure.
 - 5. A Currency Tally Sheet must accompany the package if U. S. currency is seized.
 - 6. Claim Opposing Forfeiture - may be found attached to back of Personal Notice Receipt.
 - 7. In cases involving seizures of amounts over \$5,000.00, a letter must be sent to the Franchise Tax Board

In order to complete these forms, an asset seizure control number must be obtained by contacting Kern County Communications Control 5 at 861-2500 (24 hours a day.)

The Forfeiture Certified officer present shall ensure that an interview of all persons involved is completed concerning their possession of the seized assets, financial situation, employment, income, and other resources. The Forfeiture Certified Officer shall 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. All information related to this must be included in the report.

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 Narcotics Detail for review by close of business the next business day.

Bakersfield Police Department

Bakersfield PD Policy Manual

ASSET FORFEITURE PROCEDURE

604.3.1 SEIZED PROPERTY AND CURRENCY

Property seized and 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.

When making the decision to seize currency, care should be taken to ensure it is not co-mingled from different locations. For example, if currency is seized from a vehicle's glove box, center console and a bag in the backseat, these amounts will be seized and packaged as separate items. Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in a K-PAK package with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the currency tally sheet. The officer counting and supervisor verifying money will initial and sign the tally sheet.

All currency seized that totals \$200 or more will be placed in the OIC safe by a supervisor. Amounts totaling less than \$200 will be booked into property in accordance with the Property Policy.

604.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

604.3.3 SEIZED VEHICLES

If the seizure is of conveyance, it will be towed to the Police Department for storage, and should not be driven.

All personal property in the vehicle shall be removed and booked into the property room as prisoner's property.

Any supporting documents should accompany the keys and receipts to the Narcotics Office. The vehicle shall be entered into CLETS/RMS as a "stored vehicle" at the Bakersfield Police Department.

ASSET FORFEITURE PROCEDURE

604.4 ASSET FORFEITURE LOG

A computerized inventory of all asset forfeiture cases shall be kept by the Narcotics Unit. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

604.5 MAINTAINING SEIZED PROPERTY

The Property Room Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

604.6 BIDDING ON FORFEITED PROPERTY

To avoid any impression of impropriety, all department personnel are prohibited from purchasing or otherwise obtaining property that has been obtained through Bakersfield Police Department forfeiture actions.

Employee's spouses are also discouraged from purchasing property through this means and it is suggested that employees do not enlist the services of relatives, friends, or other persons to purchase forfeited property at City property auctions.

This procedure has been adopted to eliminate any appearance of impropriety by the Bakersfield Police Department in the sale of forfeited property.

NOTIFICATION PROCEDURE FOR ON-CALL NARCOTICS SERGEANT

605.1 PURPOSE AND SCOPE

Typically, when large amounts of drugs are seized in the field, more drugs and evidence of sales will be located in the suspect's residence. Field supervisors must consider calls for service, time management, and the officers' experience in determining if a follow-up can be conducted. Narcotic personnel are available 24-hours to either assist or conduct the follow-up. In order to establish minimum criteria for the notification of Narcotic Sergeants, the following guidelines shall be used:

1. In ALL cases where a forfeiture is anticipated: Refer to Policy 606.
2. In all cases where there is an indication of a drug lab being involved or when an informant may lead to a drug lab.
3. In all cases where FOUR OUNCES (1/4 LB) OR MORE of cocaine or methamphetamine is seized
4. In all cases where SIX GRAMS (1/4 OZ) OR MORE of tar heroin is seized.
5. In all cases involving ACTIVE Butane honey OIL (BHO) production operation or any indoor cultivation of marijuana where hazardous chemicals are located.
6. In all cases where ANY amount of liquid PCP or liquid dipped cigarettes and all cases where gram or larger quantities of crystal PCP is seized.
7. In all other cases involving suspected Fentanyl or its analogues and in any case involving additional unusual drugs or synthetic drugs or sophisticated manufacturing operations.

INFORMANTS

606.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

606.1.1 POLICY

The Bakersfield Police Department recognizes the importance of the strategic use of informants as a basic investigative tool and encourages its officers to develop and maintain informants. Officers must use sound discretion and good judgment in the handling of informants and the use of information they provide in furtherance of our investigative and crime suppression efforts. Furthermore, officers must maintain the highest levels of ethical and professional conduct and follow strict adherence to all applicable statutes, rules and regulations in all matters relating to the use of informants.

Contacts between police personnel and informants or prospective informants shall be conducted in an official capacity only. Personal business, gifts or the facilitation of unauthorized gifts or rewards, social or romantic relationships between police personnel and informants, or any association or activity that could give rise to the appearance of impropriety are strictly prohibited.

606.1.2 DEFINITION

An informant is any person (not a sworn member of law enforcement) who, with a reasonable expectation of confidentiality, provides information to a law enforcement agency regarding criminal activity or assists in performing an investigative function, and is commonly referred to as a Confidential Informant or CI.

606.1.3 TYPES OF INFORMANTS

The following types and descriptions generally reflect legal standards for confidential informant reliability and their respective application in sworn affidavits authored in support of a search warrant.

There are three basic types of confidential informants:

- Confidential Citizen Informants (CCI)
- Tested Reliable Informants, a.k.a.: Confidential Reliable Informants (CRI)
- Untested Informants

606.1.4 CONFIDENTIAL CITIZEN INFORMANT

A confidential citizen informant is an individual who is in a position to provide information concerning criminal activity, but who does not appear to be involved in the criminal activity. Confidential citizen informants generally volunteer their information openly and through motives of good citizenship. Because of these characteristics, the burden to show reliability in the case of a confidential citizen informant is significantly less than that demanded of other informants. Such information is frequently viewed as "automatically" reliable. (Lee (1987) 194 Cal.App.3d 975, 982.).

INFORMANTS

An example of a confidential citizen informant is an individual who calls to report marijuana growing in a neighbor's backyard and desires to remain anonymous. Another example is an individual who reports neighborhood juveniles occupying a particular vehicle and armed with handguns. In both examples, the citizens are presumed to be law abiding citizens who happened to glean the information through unplanned, routine activities. This is not to say someone with past criminal involvement is incapable of being a confidential citizen informant, but there would have to be a showing that the informant volunteered the information fortuitously, openly, and through motives of good citizenship.

If the citizen providing information has a well known criminal history and/or a pattern of criminal associations with the people about whom he/she is informing, then that person would be best handled as a confidential untested informant and not a citizen informant. Consequently, the information must be corroborated.

The provisions of this policy pertaining to risk assessments and requisite forms generally do not apply to confidential citizen informants.

The provisions of this policy do not apply to Secret Witness, We Tip, Gang Tip, or some other tip hotline, unless at some point a "tipster" becomes a verifiable confidential informant.

Officers shall carefully analyze and evaluate any informant's motivation to provide information before taking any sort of enforcement action.

606.1.5 TESTED RELIABLE INFORMANT/CONFIDENTIAL RELIABLE INFORMANT (CRI)

The tested reliable informant usually has a background that is characteristic of criminal activity. This type of informant generally provides information to law enforcement for one of the following reasons:

- (a) Consideration in a pending criminal case
- (b) Money

A tested reliable informant is one whose information has proved reliable in the past by leading to the seizure of contraband, the arrest of suspects, or their information has been proved reliable as a result of known criminal activities.

Although corroboration of information provided by this type of informant is not necessary, it is a good investigative practice to corroborate information from an informant who has previously provided information resulting in only one or two arrests. (People v. Dumas (1973) 9 Cal.3d. 871.)

606.1.6 UNTESTED INFORMANTS

An untested informant is one who has never assisted in an investigation. This type of informant usually provides information for consideration in a criminal case or remuneration.

Any information provided by this type of informant is presumed to be for intelligence purposes only and must be corroborated. If the information can be corroborated by facts indicating that reliance on the information is reasonable, the information can be considered reliable.

INFORMANTS

606.1.7 INITIAL RISK ASSESSMENT AND ACTIVATION OF AN INFORMANT

Frequently, officers come in contact with prospective informants as a result of an arrest situation. The arrestee may usually utter a proposal or offer to work as an informant in exchange for being released from custody or some other form of special consideration. At this point, officers shall not release any arrestee nor make any promises of leniency or payment. Officers confronted with this or other similar situations shall make an initial assessment of the veracity of the information and contact an immediate supervisor who will determine and/or authorize the next course of action.

No officer shall arbitrarily release an arrestee based solely on a promise to work as an informant. Furthermore, the immediate release of an arrestee pending a criminal complaint, or the decision to withhold filing a criminal complaint after an individual has been booked, or any situation where an officer comes in contact with any individual whom the officer effectively considers activating as an informant, requires a comprehensive risk assessment to determine an individual's suitability coupled with the corroboration or verification of information provided by the prospective informant, and the express approval of a supervisor.

The officer or detective who activates an informant is designated as the Controlling Officer. Prior to activating an individual as an informant or prospective informant, the controlling officer will use the following criteria in helping to determine whether the potential benefit of using the informant outweighs any inherent risks.

- Age
- Criminal History
- Involvement in any pending criminal or civil investigation
- Danger to the public; criminal threat
- Flight risk
- Risk that the informant may compromise the investigation
- History of alcohol or substance abuse
- Relationship with an employee of any Law Enforcement Agency
- The individual's status as a public official, member of the military, a representative of the news media, or party to privileged communications (e.g. a member of the clergy, a doctor or an attorney)
- Reliability, truthfulness, and motivation
- Relationship to target(s) of the investigation
- Medical conditions/restrictions that may impact their utilization (heart condition, mental illness, pregnancy)
- Past or present performance as an informant for any law enforcement agency, including prior record of any testimony
- The extent to which the informant's information can be independently corroborated

INFORMANTS

- Risk of physical harm to the informant or their family/close associates as a result of information they provide to law enforcement

606.2 USE OF JUVENILE INFORMANTS

Juveniles may only be used as confidential informants with the express authorization of the Investigations Division Commander.. Use of juvenile informants will only rarely be authorized, and only when the juvenile's parent or guardian is fully aware and no reasonable alternative exists to further a critical investigation.

The use of juveniles who want to cooperate in exchange for leniency in a criminal case is strictly prohibited unless through plea bargaining or some other agreement arranged by the District Attorney's Office in collaboration with a lead case investigator.

Juveniles who report information with no expectation of remuneration or consideration in a pending criminal case is acceptable with prior approval of a supervisor.

Cadets who are used in special alcohol or tobacco sting operations are not informants as described in this policy and the use of their services is acceptable with prior approval of parents and the supervisor overseeing the operation.

This policy does not preclude the use of juveniles to establish surreptitious communications with known suspects in certain investigations, as approved by a division commander or his/her designee.

606.3 USE OF PAROLEES AND PROBATIONERS

The use of parolees or probationers as informants must be carefully evaluated and approved by a supervisor before being used as an option. Police officers have no authority to mitigate revocation proceedings and shall not imply so to a potential informant.

When considering the use of a parolee or probationer who is in custody on open charges or a violation, officers must first get authorization from the appropriate agency, whether it is the California Department of Corrections and Rehabilitation, the Kern County Probation Department or another allied agency.

606.4 PREREQUISITE FORMS FOR ACTIVATION AND TRACKING OF AN INFORMANT

Any officer wishing to activate an informant who has not previously assisted the Bakersfield Police Department must first complete a Bakersfield Police Department three page informant sign-up packet, available at the 24-hour Desk, which includes a Bakersfield Police Department confidential informant sign-up checklist/general policy guidelines form, a confidential informant identification record, and a Bakersfield Police Department informant admonition form. Upon completion of these forms the packet will be forwarded to the Vice/Narcotics unit where it will be maintained.

Bakersfield Police Department

Bakersfield PD Policy Manual

INFORMANTS

606.4.1 CONFIDENTIAL INFORMANT SIGN-UP CHECKLIST/GENERAL POLICY GUIDELINES

The form requires that specific boxes be checked indicating required steps in the sign-up process have been completed as well as adding additional documents, which include a current photo of the informant (not a DMV or booking photo), RAP sheet, CJIS identification sheet, and a DDL print out. The form also provides direction in accomplishing the informant identification record form and the informant admonition and waiver of liability and release of all claims form. The form must be completed thoroughly, leaving no section unfilled or incomplete.

606.4.2 CONFIDENTIAL INFORMANT IDENTIFICATION RECORD

The top of this form provides a space for a "V-number," a unique identifier for each informant. The Bakersfield Police Department Organized Crime/ Vice Unit will assign a "V-number" upon receipt of the informant sign-up packet. The "V-number" is used to track and document the use of informants and their reliability. The form must be completed thoroughly, leaving no section unfilled or incomplete.

606.4.3 BAKERSFIELD POLICE DEPARTMENT INFORMANT ADMONITION FORM

The form contains two parts: the Informant Admonition section and a waiver of liability and release of all claims section. The two sections require the informant to initial each line indicating they have read and understand the statements.

Informant Admonition - This section states the informant's function and rules for behavior. It also documents the agreement between law enforcement and the informant.

Officers signing up an informant shall state the agreement between the officer and the informant, documenting the parties, the expected performance of the informant, and what is to be provided to the informant in return for his/her cooperation.

Examples of the type of information required may include but are not limited to:

- "(Name) will receive consideration in his pending criminal case # _____ if he successfully provides assistance leading to the culmination of three separate narcotics investigations and the seizure of (quantity of specific drug or other contraband) per case within (days from today's date)."
- "(Name) agrees to make controlled purchases of narcotics and he will receive appropriate remuneration on a case by case basis (days from today's date)."

The second component located on the back page of the Confidential Identification Record includes:

Waiver of Liabilities and Release of All Claims - Officers must have this form completed along with all the required signatures before activating an informant, including the approving sergeant's name and signature. The "V Number" is the only information not required before activating an informant, since this information is subsequently obtained from the Narcotics Unit.

The use of informants can result in unexpected or unique circumstances which might necessitate deferring completion of the informant identification form until after the informant is activated.

Bakersfield Police Department

Bakersfield PD Policy Manual

INFORMANTS

Deferring this process may only be done with the express permission of the Narcotics Lieutenant, or, in his absence, another lieutenant or higher.

Officers shall route completed forms to the Narcotics Division on the same day the forms are completed. Approving sergeants are responsible for proper and timely routing of the forms.

606.4.4 EXPENDITURE OF IMPREST FUNDS AND INFORMANT ACTIVITY RECORD

The Bakersfield Police Department Narcotics Division Expenditure of Imprest Funds and Informant Activity Record must be completed in order to document the expenditure of funds and informant activities/track record.

The Imprest Fund - is money advanced to various units to pay informants and certain other related expenditures as approved by the lieutenant in charge, or his/her designee. This pay is typically in the form of money, but things such as meals, hotel rooms or a tank of gas would also qualify and necessitate documentation on this form. All types of remuneration must be strictly professional.

Informant Activity Record - is simply confidential documentation of an informant's activities. Timely and accurate maintenance of this information allows officers to make well-informed decisions about an informant's reliability and potential usefulness in a criminal investigation or an affidavit in support of a search warrant or other legal document.

Failure to complete and route this form in timely fashion can result in unnecessary accounting delays and record keeping problems which reflect negatively on the ethical and professional reputation of all involved personnel. Officers shall be diligent in keeping the appropriate supervisor apprised of informant performance and in completing and routing the "Informant Activity Record" form within 48 hours of the applicable activity.

606.4.5 MAINTENANCE AND RETENTION OF INFORMANT RECORDS

The Narcotics Division lieutenant will be the Custodian of Records for all Confidential Informant Records. Confidential Informant files will be maintained in a secure location within the police building.

. Each informant file routed to the Narcotics Division shall contain the following:

- A completed Confidential Informant Identification Record form, including the agreement with the informant.
- A current photograph of the informant.
- A record of the informant's fingerprints, unless a set of prints is on file with the police department or the Kern County Sheriff's Department.
- A CII RAP sheet and any other relevant documents.

All informant files will be maintained for a period of at least five years and six months from the date of the last activity recorded in the file.

INFORMANTS

New employee of this Department shall copy, otherwise duplicate, or remove from secure storage, any Informant File record.

606.5 CUSTOMARY GUIDELINES FOR PAYMENTS OR COMPENSATION TO INFORMANTS

It is difficult to establish clearly defined formulas for monetary payment or other compensation to informants because of the fluid and dynamic nature of criminal investigations. For this reason, it is very important that informants clearly understand what is expected of him/her and, likewise, what he/she can expect in the form of monetary payment or other compensation. It is this agreement with an informant which officers should articulate in writing in the Bakersfield Police Department Informant Admonition form, Section 12.

This policy establishes only general guidelines and flexible ranges for monetary payment to an informant. Officers and approving supervisors should use fiscal prudence and consider all available facts before arriving at a reasonable and fair amount for monetary compensation.

Ultimately, a division commander or his/her designee must approve an amount recommended by the controlling officer.

606.5.1 NON-TESTIFYING CONFIDENTIAL INFORMANTS

For non-testifying confidential informants:

- Payments or compensation to non-testifying confidential informants will be reasonable amounts consistent with a regularly reviewed monetary schedule set forth by the Narcotics Detail and approved by the supervisor overseeing the investigation.
- This may not necessarily apply if the confidential informant is working to receive consideration in a pending criminal case.
- This policy does not apply to information received through Secret Witness.

606.5.2 TESTIFYING INFORMANTS

Payments to testifying informants require special consideration and shall be thoroughly discussed with a supervisor and a prosecuting Deputy District Attorney before any agreement is made with the informant.

606.6 UPDATING INFORMANT RECORDS

Officers who use an informant must ensure all information in the informant record is kept updated.

An informant will typically become inactive after having received the agreed upon consideration in a criminal case. If an informant wants to continue assisting in other investigations, the controlling officer need only update the Informant Admonition and Waiver of Liability.

INFORMANTS

In any case, if an informant is inactive for over a 90-day period, the entire Confidential Informant Identification Record will need to be updated before re-activating the informant. This is necessary to ensure accurate information on newly re-activated informants.

606.6.1 DEACTIVATED OR UNRELIABLE INFORMANTS

If an informant is deemed unreliable or otherwise deactivated, the Controlling Officer is responsible for reporting the circumstances to their supervisor using the Informant Activity Record. The Controlling Officer's supervisor shall review the circumstances and forward the memorandum to the Narcotics Unit lieutenant along with his/her recommendation with regard to any future utilization of the informant.

The Controlling Officer's memorandum will be maintained in the informant's personal file along with the approved recommendation. A confidential informant will be deactivated if they meet any of the following criteria:

- The CI no longer has the potential to furnish viable information or services.
- The CI is no longer willing to cooperate.
- The CI's cooperation has been determined to be unsatisfactory.
- The risk of using the CI outweighs the potential benefit.
- The CI is formally accepted into a witness protection program.
- There is reasonable suspicion that the CI has engaged in a pattern of unauthorized illegal activity in violation of the signed Informant Admonition.

A confidential informant will be deactivated if he/she meets any of the following criteria:

- The CI repeatedly failed to obey instruction from his/her controlling officer.
- The CI has absconded with equipment, funds or controlled substances.
- There is reasonable suspicion that the CI provided false statements to law enforcement, prosecutors or a judge relevant to the case in question.
- If it is learned that the CI lied about critical information during the initial background and risk assessment.
- The CI is believed to have withheld or "planted" evidence during an investigation.
- The CI maliciously compromised an investigation or his/her status as an informant.
- The CI failed to appear for a scheduled court proceeding without reasonable explanation.
- The CI engages in behavior that poses a threat to law enforcement or the community.
- The CI engages in behavior that would create adverse public opinion or impugn the professional reputation of our department.

INFORMANTS

606.7 CONTROLLING OFFICER RESPONSIBILITIES

- (a) Officers controlling informants have a duty to inform the prosecuting attorney of all information relevant to the informant and the pending criminal matter.
- (b) Should an officer become aware of felonious activity by an informant, he or she shall immediately notify the officer's supervisor.
- (c) Two officers shall be present when an informant is paid for services.
- (d) Two officers shall be present when an informant is debriefed or instructed about a pending operation. It is understood that having two officers present may not always be the preferred strategy. Deviation from this specific policy may only be done with the prior express approval of an immediate supervisor.
- (e) Officers shall maintain strict supervision over their informant's activities during police operations. Tell the informant only what he/she needs to know to do the operation appropriately.
- (f) Do not allow the informant to debrief you.
- (g) Do not take CI information on face value. Corroborate as much of the information as possible.
- (h) Do not establish patterns for meetings with an informant.
- (i) Always take time to train the informant and discuss important issues so that the informant has a good understanding of what he/she can or cannot do.
- (j) Officers should not make promises they cannot keep.
- (k) Officers should avoid becoming complacent and be ever mindful that most informants are self-serving individuals and, therefore, officer safety and investigative integrity are always of paramount importance.
- (l) No amount of narcotics or the perceived value of informant information is worth jeopardizing your safety, integrity or the professional reputation of the Bakersfield Police Department and our many allied agencies.

606.8 ARREST OF AN INFORMANT AND MATTERS OF DE-CONFLICTION

It is not uncommon for an informant to get arrested and quickly begin telling the arresting officer that he/she is working for a fellow officer or an allied agency with an expectation of leniency. In this situation, the arresting officer should handle the arrest in the same professional fashion as they would any other arrest. Time and circumstances allowing, a courtesy notification to the informant's controlling officer would be appropriate.

When a controlling officer is notified of an informant's arrest, pending arrest, or involvement in a criminal investigation, he/she will make no attempts to dissuade officers from their proposed enforcement action. On the rare occasion that an informant is detained or arrested in the midst of a covert investigation, the controlling officer(s) shall notify his/her immediate supervisor. All involved

INFORMANTS

officers shall consider operational integrity and mitigate the situation with tact and diplomacy to achieve a legal, ethical and professional resolution.

Officers are reminded that sometimes fellow officers or allied agencies are unknowingly targeting the same individuals and/or locations which may lead to conflicting or overlapping interests in the investigation. For this reason, officers should always check available city/county data bases, WSIN/LA Clear and other resources to help identify conflicting interests and work toward an amicable resolution.

WSIN is an acronym for Western States Information Network and LA Clear stands for Los Angeles Clearinghouse. Both organizations require authorized membership to access information and officers need only check one or the other since they interface with each other. Applications to these organizations are limited and must be approved by the Narcotics Division lieutenant. However, officers with a need to check either data base are encouraged to request assistance from the Narcotics Division.

606.9 COURT PREPARATION AND TESTIMONY

It is common practice for defense attorneys to try various strategies to learn the identities of informants or other privileged information. Therefore, it is very important that all officers familiarize themselves with the statutory law as defined in California Evidence Code sections 1040 through 1042. These sections articulate official privileges pursuant to the confidentiality and disclosure of informants.

Officers who are subpoenaed to court on a case involving an informant shall make every effort to discuss the investigation with the Deputy District Attorney handling the case before the case goes to court and ensure the attorney is sufficiently apprised of the informant's role in the investigation. This is particularly important so that appropriate objections can be made and any claim of a privilege under the Evidence Code is anticipated.

In the event a prosecuting attorney is unaware a particular question might tend to identify an informant and fails to raise an objection, the officer on the stand may refuse to disclose the information by claiming a privilege pursuant to CEC section 1040. The prosecuting attorney should then request an in-camera hearing pursuant to CEC section 1042. If there is conflict on whether to reveal the identity of an informant, it will be resolved by the Investigations Division Commander or his/her designee. No officer will refuse to identify the informant in court when ordered to do so by the presiding judge or magistrate.

EYEWITNESS IDENTIFICATION

607.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

607.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic lineup.

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.

607.2 POLICY

The Bakersfield Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

607.3 INTERPRETIVE SERVICES

Officers/detectives 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 officer/detective 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.

607.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Division Commander shall be responsible for the development and maintenance of an eyewitness identification process for use by officers/detectives when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

EYEWITNESS IDENTIFICATION

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

607.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

607.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

EYEWITNESS IDENTIFICATION

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.

607.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

607.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

607.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases.

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:
 - (a) The length of time the witness observed the suspect.
 - (b) The distance between the witness and the suspect.
 - (c) Whether the witness could view the suspect's face.
 - (d) The quality of the lighting when the suspect was observed by the witness.
 - (e) Whether there were distracting noises or activity during the observation.
 - (f) Any other circumstances affecting the witness's opportunity to observe the suspect.
 - (g) 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.

EYEWITNESS IDENTIFICATION

607.8 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the officer/detective 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 officer/detective 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.

607.8.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

WARRANT SERVICE

608.1 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.

608.2 POLICY

It is the policy of the Bakersfield Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

608.3 OPERATIONS DIRECTOR

The case agent (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 case agent and supervisor will also have the responsibility to coordinate service of those warrants that are categorized as high risk and making notification to the detail lieutenant OIC. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

608.4 SEARCH WARRANTS

Officers shall 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 or threat matrix and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

608.5 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 or threat assessment matrix and submit it to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

WARRANT SERVICE

If the warrant is classified as high risk, service will be coordinated by SWAT. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

608.6 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.

608.7 SEARCH WARRANT SERVICE

The case agent or supervisor shall coordinate the service of warrants with a SWAT supervisor.

Officers executing a search warrant shall ensure the following are observed: :

- (a) Create video and/or photographic documentation of the condition of the location prior to beginning the search. The images should include the surrounding area and persons present.
- (b) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (c) Reasonable efforts are made during the search to maintain or restore the condition of the location.

WARRANT SERVICE

- (d) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (e) Reasonable care provisions are made for children and dependent adults.
- (f) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (g) A copy of the search warrant is left at the location.
- (h) The condition of the property is documented with video recording or photographs after the search.

All photographs and recordings taken in the process of serving a search warrant are evidence and shall be handled as such.

608.8 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.

608.9 ACTIONS AFTER WARRANT SERVICE

The case agent 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 or by law.

608.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The case agent and supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement

Bakersfield Police Department

Bakersfield PD Policy Manual

WARRANT SERVICE

- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the OIC or designee. The OIC or designee should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If officers intend to serve a warrant outside Bakersfield Police Department jurisdiction, the case agent or designee 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 Bakersfield Police Department when assisting outside agencies or serving a warrant outside Bakersfield Police Department jurisdiction.

608.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police or his/her designee. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

608.12 TRAINING

The Training & Logistics Division Lieutenant 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

609.1 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.

609.1.1 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.

609.2 POLICY

It is the policy of the Bakersfield Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

609.3 SWAT COMMANDER

The commander or designee 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.

609.4 RISK ASSESSMENT

609.4.1 RISK ASSESSMENT FORM PREPARATION

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:

- (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).

OPERATIONS PLANNING AND DECONFLICTION

- (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).

609.4.2 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.

The supervisor will 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.

609.4.3 HIGH-RISK OPERATIONS

If after consultation with the involved supervisor and the operation is determined to be high risk, the will make notification to the detail lieutenant or OIC:

- (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. SWAT
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance
 - 8. Canines
 - 9. 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.

OPERATIONS PLANNING AND DECONFLICTION

609.5 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 case agent 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 case agent 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.

609.6 OPERATIONS PLAN

When time permits, the case agent and supervisor shall 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, 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.

OPERATIONS PLANNING AND DECONFLICTION

- (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, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

609.6.1 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.

609.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant.
- (c) The supervisor shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the case agent 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.

OPERATIONS PLANNING AND DECONFLICTION

1. It is the responsibility of the case agent 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.

609.8 SWAT PARTICIPATION

If SWAT participation is appropriate, supervisors and the case agent shall work together to develop a written plan. The SWAT 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 SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

609.9 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 News Media Relations Policy.

609.10 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 SWAT debriefing.

609.11 TRAINING

The Training & Logistics Division Lieutenant should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

UNMANNED AERIAL SYSTEMS OPERATIONS (UAS)

610.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

610.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS)- An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled [commonly referred to as an unmanned aerial vehicle (UAV)], and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

Unmanned Aerial System Operator- The operator exercises control over the unmanned aircraft during flight. The operator will be ultimately responsible for the operation and solely responsible for the input of commands/operating during flight. The operator must meet the standards required by the Federal Aviation Administration (FAA) in order to operate the UAS. Operators are authorized to evaluate and accept or decline any mission or portion thereof due to safety concerns.

Unmanned Aerial System Observer- The observer is responsible for maintaining visual observation of the UAS while in flight and alert the operator of any conditions (obstructions, terrain, air traffic, weather, etc.) which affect the safety of flight. The observer will be responsible for all aviation related communications required by the FAA. To accomplish this, the observer will be in close proximity to the operator of the UAS. The observer shall meet standards required by the FAA.

Certificate of Waiver or Authorization (COA)- The COA is given by the FAA and grants permission to fly within specific boundaries and perimeters. The Bakersfield Police Department will maintain current COA's consistent with FAA regulations.

610.2 POLICY

Unmanned Aerial Systems may be utilized to enhance the department's mission of protecting lives and property. The UAS will also be used to increase transparency by giving the community a different perspective on law enforcement and support community outreach and engagement. Any use of a UAS will be in strict accordance with constitutional and privacy rights, FAA regulations and the Bakersfield Police Department policy.

The use of a UAS can support first responders in situations which would benefit from an aerial perspective and enable responders to detect dangers that could otherwise not be seen. The UAS can also be utilized for Community Relations Unit (CRU) presentations in addition to Planning, Research and Training (PRT) presentations, recruitment, and approved training missions.

UNMANNED AERIAL SYSTEMS OPERATIONS (UAS)

610.3 PRIVACY

The use of a UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard and enclosure). UAS operators and UAS observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

610.4 PROGRAM COORDINATOR

The Chief of Police or his/her designee is the program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current and the requirements of Part 107 of the Federal Aviation Regulations are followed.
- Ensuring that all authorized operators and observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS may require review by the Program Coordinator or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

Bakersfield Police Department

Bakersfield PD Policy Manual

UNMANNED AERIAL SYSTEMS OPERATIONS (UAS)

- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images, recordings and all other data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports to the Chief of Police or his/her program coordinator designee.

610.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

To operate the controls of a small UAS under Part 107, you need a remote pilot airman certificate with a small UAS rating or be under the direct supervision of a person who holds such a certificate.

You must be at least 16 years old to qualify for a remote pilot certificate and you can obtain it in one of two ways:

- You may pass an initial aeronautical knowledge test at a FAA-approved knowledge testing center.
- If you already have a Part 61 pilot certificate, other than a student pilot certificate, you must have completed a flight review in the previous 24 months and you must take a small UAS online training course provided by the FAA.

UAS operations should only be conducted in accordance with the Bakersfield Police Department's FAA Certificate of Waiver or Authorization.

UAS deployment will be considered when an aerial view would assist officers or incident commanders during the following occurrences:

- Accident Investigations
- Missing Persons Investigations
- Search and Rescue Operations
- Narcotics Investigations
- Fires
- Disaster Management
- Crowd Control Situations
- Search Warrants
- S.W.A.T. Operations
- Bomb Squad Response

UNMANNED AERIAL SYSTEMS OPERATIONS (UAS)

- CBRNE Incident (chemical, biological, radiological, nuclear, and explosives)
- Crime Scenes
- Supporting Criminal Investigations
- VIP Security Support
- Perimeter Searches and Security
- Enhance Situational Awareness
- Routine Training
- Community Relations Unit Presentations
- Planning, Research and Training Presentations and/or Recruitment

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

610.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

610.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the City of Bakersfield records retention schedule and pursuant to Government Code §34090.6, which states in part:

"...the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring." Routine video monitoring is defined as "video recording by a video or electronic imaging system designed to record the regular and ongoing operations of departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security systems."

Video recordings may be destroyed after 90 days if the city keeps another record, such as written minutes or an audio recording of the event that is recorded in the video medium pursuant to Government Code §34090.7.

Bakersfield Police Department

Bakersfield PD Policy Manual

UNMANNED AERIAL SYSTEMS OPERATIONS (UAS)

Upon completion of each UAS mission, the recorded data shall be reviewed and evaluated for evidentiary value. Data of identifiable individuals captured during a UAS mission shall not be retained unless there is reasonable suspicion that evidence of criminal activity is present.

All retained data shall be maintained or destroyed pursuant to the Bakersfield Police Department records retention and evidence policies and in compliance with applicable laws and regulations.

Pursuant to Government Code section 6254 (California Public Records Act), all UAS data is considered a "law enforcement investigatory file" and is exempt from disclosure under the CPRA.

Brady Material Disclosure

611.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

611.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Bakersfield Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

611.2 POLICY

The Bakersfield Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Bakersfield Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

611.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or 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.

Brady Material Disclosure

611.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

- (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.

611.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

611.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Chapter 7 - Equipment

DEPARTMENT OWNED AND PERSONAL PROPERTY

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, and up to termination.

- (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 notice will be given to a supervisor as soon as possible.
- (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 in memo format and submitted to the employee's immediate supervisor along with the cost for replacement. The supervisor may require a separate written report of the loss or damage.

The supervisor shall forward the memo to the appropriate Division Commander.

Upon review by staff and a finding that no misconduct or negligence was involved, full or pro-rated reimbursement may be recommended by the employee's Division Commander who will the recommendation to the Business Office.

Bakersfield Police Department

Bakersfield PD Policy Manual

DEPARTMENT OWNED AND PERSONAL PROPERTY

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

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 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 Bakersfield Police Department allows members to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own PCD while on duty subject to the following conditions:

- (a) Carrying an individually-owned personal communication device is optional.
- (b) The device shall be purchased, used and maintained at the employee's expense.

701.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCD's, whether provided by the Department or personally-owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

- (a) PCD's shall not be carried in a generally visible manner that detracts from the appearance of the uniform.

PERSONAL COMMUNICATION DEVICES

- (b) PCD's may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCD's for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.
- (c) Extended or frequent use of department-issued PCD's or personally owned PCD's while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

701.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call.

Except in the case of an emergency, employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to business related calls or calls of an urgent nature. Employees shall not use a PCD to text while driving.

701.2.4 TAMPERING WITH CITY ISSUED CELLULAR PHONES

Personnel shall not tamper with or modify their city issued cellular phone. Tampering can include, but is not limited to actions like removing the SIM card and transferring that card to a personal cellular device. Personnel experiencing operational issues with their city issued cellular phone shall contact the Technology Development Unit Sergeant for assistance.

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.

702.2 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.

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.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

All Department vehicles are equipped with a fire extinguisher and a first aid kit. Employees shall ensure these items are present in their assigned vehicle.

702.3.1 PATROL VEHICLES

Officers shall maintain the following equipment in their personal patrol vehicle (PPV). Officers utilizing fleet vehicles should inspect the patrol vehicle at the beginning of their shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll crime scene barricade tape
- First aid kit
- CPR mask

VEHICLE MAINTENANCE

- Emergency blanket
- Protective gloves
- Hazardous waste disposal bag
- Hazardous Materials Emergency Response Handbook
- Evidence collection kit
- 42-inch Riot baton
- Riot helmet
- Fire extinguisher
- Gas mask

702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 1 Roll crime scene barricade tape
- First aid kit
- Fire extinguisher
- Riot helmet
- 42-inch Riot baton
- Emergency blanket
- Protective gloves
- CPR mask

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers shall refuel their vehicles at the completion of their assigned shift.

702.5 WASHING OF VEHICLES

All vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Only one marked unit should be at a public car wash at the same time unless otherwise approved by a supervisor.

Bakersfield Police Department

Bakersfield PD Policy Manual

VEHICLE MAINTENANCE

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 PROFESSIONAL STAFF EMPLOYEE USE

Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display the “out of service” placards or lightbar covers at all times. Professional Staff employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

VEHICLE USE

703.1 PURPOSE & SCOPE

The Department utilizes city owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "City owned" as used in this section also refers to any vehicle leased or rented by the City.

703.2 USE OF VEHICLES

703.2.1 UNASSIGNED VEHICLES

No employee shall use any vehicle other than their assigned vehicle without first completing the vehicle check out log at the east or west police station, or without prior approval from the Training Section or a supervisor. Employees shall be responsible for inspecting the interior and exterior of any unassigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate. Employees who violate this policy may be subject to discipline including loss of PPV privileges.

703.2.2 ASSIGNED FLEET VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle ID is not permitting the logon, the employee shall notify the Communications Center for entry of the vehicle number on the unit history. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

703.2.3 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use and a notation will be made on the vehicle sign-out log indicating the operator's name and vehicle number.

703.2.4 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

Bakersfield Police Department

Bakersfield PD Policy Manual

VEHICLE USE

703.2.5 AUTHORIZED PASSENGERS

Personnel operating department owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

703.2.6 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

703.2.7 PARKING

City owned vehicles should be parked in their assigned areas. Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3 PPV VEHICLE AGREEMENT

City owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes.

The vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the shift sergeant gives authorization. The employee is responsible for the vehicle's care and appearance. The Department will provide necessary care/maintenance supplies.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

703.3.1 VEHICLES SUBJECT TO INSPECTION

All City owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.4 SECURITY

Employees may take home City owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

- (a) The employee lives within a sphere of influence (rules of the road obeyed and based on average traffic flow) response time of the Bakersfield City limits.
 - 1. A longer response time may be appropriate depending on the special assignment of the employee. In that event, the response time shall not exceed 60 minutes.
- (b) When off duty, employees shall park their assigned vehicle at their residence or on the street or park in an area closest to their residence.

Bakersfield Police Department

Bakersfield PD Policy Manual

VEHICLE USE

- (c) Vehicles shall be locked when not attended.
- (d) All equipment, firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to Firearms policy § 312 regarding safe storage of firearms at home). Equipment to be secured will include but not be limited to handheld radios, police vests, bullet proof vests, gun belts, city issued cellular phones, laptops, and body worn cameras.

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored at the police facility.

703.4.1 KEYS

Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

703.5 ENFORCEMENT ACTIONS

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

703.6 MAINTENANCE

- (a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.
 - 1. Employees may use the wash racks at the police facility or maintenance yards (trusties may be used to clean vehicles, when available).
 - 2. Cleaning/maintenance supplies will be provided by the department.
- (b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
- (c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.
- (d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the City maintenance shop.
 - 1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle work order explaining the service or repair, and leave it with garage personnel or the desk officer.
 - 2. Officers leaving vehicles for repair or maintenance shall remove all firearms and computers from the vehicle and secure them.

703.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

VEHICLE USE

703.7 ACCIDENT DAMAGE, ABUSE, AND MISUSE

- (a) Any time a vehicle is involved in a traffic collision, either singularly or with another vehicle, an investigation will be conducted to determine the cause and responsibility. The supervisor of the employee involved in the collision shall complete the City provided vehicle damage form.
- (b) Any damage to a vehicle, not caused by a traffic collision, shall be immediately reported within the shift in which the damage was discovered, documented in a vehicle damage report and routed to the division commander.
- (c) An administrative investigation will be conducted to determine any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

PERSONAL PROTECTIVE EQUIPMENT

704.1 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.

704.1.1 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.

704.2 POLICY

The Bakersfield Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 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.

704.4 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.

704.5 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.

PERSONAL PROTECTIVE EQUIPMENT

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

704.6 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.

704.7 RESPIRATORY PROTECTION

The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

704.7.1 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):

PERSONAL PROTECTIVE EQUIPMENT

- (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.

704.7.2 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.

704.7.3 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.

PERSONAL PROTECTIVE EQUIPMENT

704.7.4 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.

704.7.5 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.

704.7.6 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.

704.8 RECORDS

The Training & Logistics Division Lieutenant 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONAL PROTECTIVE EQUIPMENT

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.

704.9 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 - Support Services

CRIME ANALYSIS

800.1 PURPOSE AND SCOPE

Crime Analysts provide statistical research and analysis in support of police operations by conducting research and analysis studies of suspects, incidents and locations. Crime analysts prepare statistical reports, data, maps, graphs and charts to assist in the allocation of police resources, personnel deployment, response times and calls for service. 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
- Records management systems
- Parole and Probation records
- Computer Aided Dispatch data
- County, State and Federal criminal information systems
- Statewide Integrated Traffic Reporting System (SWITRS)
- Demographic reports and data from other agencies

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
- Time 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

Bakersfield Police Department

Bakersfield PD Policy Manual

CRIME ANALYSIS

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.

COMMUNICATION OPERATIONS

801.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

801.1.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE (FCC)

Bakersfield Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

801.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between the Communications Center and officers.

801.2.1 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Call for Service Identifier (Case Number)
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident

Bakersfield Police Department

Bakersfield PD Policy Manual

COMMUNICATION OPERATIONS

801.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

801.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign 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 unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

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 care and control until it is properly tagged and placed in the designated property locker or storage room or relinquished to the custody of another employee. Care shall be taken to maintain and document 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 release of 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. The form shall be turned in to the Property Room.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. There are no exceptions for currency, narcotics or firearms. Employees booking property shall observe the following guidelines:

- (a) Property will be entered in Versadex describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

Bakersfield Police Department

Bakersfield PD Policy Manual

PROPERTY AND EVIDENCE

- (b) Print and affix the bar code label to each package or envelope in which the property is stored. Labels shall be placed on items so as not to deface or damage the value of the property.
- (c) When the property is too large to be placed in a locker, the item may be retained in the caged area designated for large items.

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.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Police Property and Equipment Specialist 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 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried in a drying locker prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be placed in the designated container for return to the Department of Motor Vehicles located in the intake room. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Bar code labels will be securely attached to each bicycle or bicycle frame. The property is to be placed in the large item storage area until a Police Property and Equipment Specialist can log the property.
- (d) All cash shall be counted in the presence of a witness and the tally sheet initialed by the booking officer and the witness. All currency in excess of \$250 will then be booked into the drop slot safe located next to the Watch Commander's office. All currency must be logged into the black binder log book located on top of the safe and is to be signed off in the log by a ranking officer (sergeant or higher).

City property, unless connected to a known criminal case and photographs and or processing for evidence do not meet the desired evidentiary value, should be released directly to the appropriate

PROPERTY AND EVIDENCE

City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Police Property and Equipment Specialist shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section 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. Puncture resistant syringe tubes should be used to package knives, syringes and needles.

A bar code label shall be securely attached to the outside of all items or group of items packaged together.

Bakersfield Police Department

Bakersfield PD Policy Manual

PROPERTY AND EVIDENCE

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. Employees may relinquish custody of narcotics and dangerous drugs to another employee as long as the chain of custody is documented in related reports.

Narcotics and dangerous drugs shall be packaged in a KCDA Narcotic envelope available in the Property Intake booking room. The booking officer shall initial the sealed envelope and date and badge number on the package flowing onto the evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed bar code label shall be attached to the outside of the container or envelope. Marijuana shall be booked separately from all other drugs and in the same manner as narcotics.

802.5 RECORDING OF PROPERTY

The Police Property and Equipment Specialist receiving custody of evidence or property shall utilize barcode tracking to track evidence receipt and print "save the record" in a log book for each day.

Any changes in the location of property held by the Bakersfield Police Department is electronically recorded utilizing barcode scanning tracking.

802.6 PROPERTY CONTROL

Each time the Police Property and Equipment Specialist receives property or releases property to another person, he/she shall enter this information in the property report evidence continuity field in RMS. Officers desiring property for court shall contact the Property Room and Equipment Specialist 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 in the evidence continuity or storage control field in RMS shall be completed to maintain the chain of evidence. No evidence is to be released without first receiving written authorization from a supervisor, detective or investigating officer.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Police Property and Equipment Specialist. This request may be filled out any time after booking of the property or evidence. DNA analysis must have prior approval by the designated official (i.e., Deputy D.A.) via email and must be submitted with the request.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the evidence continuity field in RMS and the request for laboratory analysis.

The original copy of the lab form will be scanned into the report and maintained electronically for chain of custody.

PROPERTY AND EVIDENCE

802.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the evidence continuity field in RMS, stating the date, time and to whom released.

The Police Property and Equipment Specialist shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the evidence continuity field in RMS, indicating date, time, and the person who returned the property.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigations Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department excluding safekeeping and found property.

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 electronic authorization, listing the name of the person to whom the property is to be released. The release authorization shall be electronically signed by the authorizing supervisor or detective and must identify to the items listed in the property report or must specify the specific item(s) to be released. Release of all property shall be documented in the property report.

With the exception of firearms and other property specifically regulated by statute, found property for 90 days and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 60-90 days after notification (or receipt, if notification is not feasible) may be auctioned utilizing propertyroom.com. 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 Police Property and Equipment Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded and scanned into the property report. Upon release, the property shall be documented in the Property report as disposed.

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.

PROPERTY AND EVIDENCE

The Investigations Division Detail 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.

802.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Police Property and Equipment Specialist shall make the weapon or ammunition available to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

802.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until

PROPERTY AND EVIDENCE

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.

802.6.10 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 Bakersfield Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

802.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

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 Police Property and Equipment Specialist shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

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)

PROPERTY AND EVIDENCE

- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680(e))

802.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence or the case is adjudicated 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 the general fund.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Room Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or until the expiration of any imposed sentence and at the direction of investigation that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any

PROPERTY AND EVIDENCE

objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor. (The record will be scanned into the report if it is not in Versadex.)

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

802.8 INSPECTIONS AND AUDITS

No less than one audit of the property room will be conducted each year by the Quality Assurance Unit. Unannounced inspections or additional audits of the property room may be conducted as directed by the Chief of Police.

Regular inspections of the property room, evidence, storage areas and facilities will be conducted by the Property Room Supervisor. An inspection log and any deficiencies noted from inspections conducted by the Property Room Supervisor shall be forwarded to the Quality Assurance Unit as part of its audits.

RECORDS SECTION

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Bakersfield Police Department Records Detail. The policy addresses department file access and internal requests for case reports.

803.1.1 NUMERICAL FILING SYSTEM

Hard copy reports are filed numerically within the Records Detail by Records Detail personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

803.2 POLICY

It is the policy of the Bakersfield Police Department to maintain department records securely, professionally, and efficiently.

803.3 FILE ACCESS AND SECURITY

The security of files in the Records Detail must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Detail.

The Records Detail will also maintain a secure file system for hardcopy case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.4 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Detail. Should an original hardcopy case report be needed for any reason, the requesting department member shall first obtain authorization from their supervisor. All original case reports removed from the Records Detail shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Detail.

All original case reports to be removed from the Records Detail shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Detail. The photocopied report shall be shredded upon return of the original report to the file.

RECORDS SECTION

803.5 CONFIDENTIALITY

Records Detail staff has access to information that may be confidential or sensitive in nature. Records Detail staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Detail procedure manual.

803.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

If the release is completed before the individual is booked and fingerprinted:

- (a) The individual is issued a certificate by the Bakersfield Police Department describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the department and the record reflects only a detention.
- (c) The California DOJ is notified.

If the release is completed after the individual is booked and fingerprinted:

- (a) The individual is issued a certificate by the KCSO jail describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the department and the record reflects only a detention.
- (c) The California DOJ is notified by the court via Arrest Disposition Form 8715.

RECORDS MAINTENANCE AND RELEASE

804.1 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.

804.2 POLICY

The Bakersfield Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.
- (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 § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.

RECORDS MAINTENANCE AND RELEASE

804.4 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.

804.4.1 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 request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

- (a) The Department 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 § 6254.30).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).
 - 2. If the record requested is available on the department 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 § 6253.9).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/

RECORDS MAINTENANCE AND RELEASE

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 (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

804.5 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 § 6254.29).
- (c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 - 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).
 - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
 - 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

Bakersfield Police Department

Bakersfield PD Policy Manual

RECORDS MAINTENANCE AND RELEASE

- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).
 - 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 - 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).
- (o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

RECORDS MAINTENANCE AND RELEASE

- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

804.6 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, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

804.7 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.

804.8 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 investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

Bakersfield Police Department

Bakersfield PD Policy Manual

RECORDS MAINTENANCE AND RELEASE

804.8.1 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).

804.9 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:

- Social Security number
- 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
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

804.9.1 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 Bakersfield Police Department.
 3. A list of the types of personal information that were or are reasonably believed to have been acquired.

Bakersfield Police Department

Bakersfield PD Policy Manual

RECORDS MAINTENANCE AND RELEASE

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 Bakersfield Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 2. When the breach involves an email address that was furnished by the Bakersfield Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

804.9.2 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 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

RECORDS MAINTENANCE AND RELEASE

- (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.

RESTORATION OF FIREARM SERIAL NUMBERS

805.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms.

805.2 PROCEDURE

Any firearm coming into the possession of the Bakersfield Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

805.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

805.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property report that serial numbers have been removed or obliterated.

805.2.3 OFFICER RESPONSIBILITY

It is up to the officer's discretion as to submitting the firearm to have the serial number restored. A CSU service request shall be submitted and CSU personnel will attempt to restore the serial number after making arrangements with the Property Section to check out the firearm for analysis.

Bakersfield Police Department

Bakersfield PD Policy Manual

RESTORATION OF FIREARM SERIAL NUMBERS

805.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form depending on the type of evidence.

805.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Investigations Division will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

805.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

PROTECTED INFORMATION

806.1 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 Bakersfield Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Bakersfield Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY

Members of the Bakersfield Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 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.

PROTECTED INFORMATION

806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Bakersfield Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

806.4.1 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).

806.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer
- (b) Records Supervisor
- (c) Full-access certified personnel
- (d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

806.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not be transmitted by radio broadcast or through computer terminals to field personnel or vehicles. Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

806.5 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

PROTECTED INFORMATION

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

806.5.1 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).

806.5.2 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.

806.6 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.

PROTECTED INFORMATION

- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

806.6.1 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).

806.7 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.

806.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section, the Communications Center and in the Investigations Division to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

806.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

806.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

806.9 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).

COMPUTER AND DIGITAL EVIDENCE

807.1 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.

807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Also, photograph the items to which the cables are connected. Notate and photograph the existence of modems and/or Wi-Fi routers.
- (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. Nearby documents may also contain pertinent user and/or password information.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
 3. If it appears evidence is actively being "deleted" or destroyed, immediately disconnect the power from the computer.
- (e) Label each item with the appropriate property tag.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) 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.

COMPUTER AND DIGITAL EVIDENCE

3. Who claimed ownership.
 4. If it can be determined, how it was being used.
 5. If they can be determined, the usernames and/or passwords to access the computer or any relevant accounts.
- (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. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

807.2.1 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.

807.2.2 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) Computer Analysis Request form.
- (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) If needed, a forensic image 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.

807.3 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, contact a member of the Computer Forensic Unit.
- (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.

COMPUTER AND DIGITAL EVIDENCE

- (e) Package evidence so as to prevent damage to it.

807.4 SEIZING PCDS

Personal communication devices such as cell phones, PDA's or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) If the PCD is off, leave it off.
- (c) If the PCD is on, attempt to prevent the device from connecting to any networks. When feasible, this may be accomplished by:
 - 1. Placing the device in "Airplane mode".
 - 2. Placing the device inside a Faraday signal-blocking bag.
- (d) If the device is on but cannot be isolated from a network, the device should be powered off to prevent it from receiving a remote-wiping command.
- (e) Whenever possible, the passcode, password, or swipe pattern combination to access the device should be obtained.
- (f) Depending upon the circumstances of the crime being investigated and the severity of the offense, consider contacting a member of the Computer Forensic Unit for assistance.

807.5 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.

807.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

807.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) All digital photos and audio recordings shall be transferred into the Digital Imaging Management System (DIMS) prior to the conclusion of the officers shift.
- (b) The person transferring the digital evidence shall fill out the blue photo card and submit the card to the Crime Lab.

COMPUTER AND DIGITAL EVIDENCE

807.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or digital photo files recorded on devices must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Video and digital photos from an outside source must be copied to a CD/DVD and booked into the BPD Property Room.

807.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held in DIMS. The original digital media shall remain in DIMS and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media by Crime Lab personnel only.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report by Crime Lab personnel only.

VIDEO POLICING SYSTEM

808.1 PURPOSE AND SCOPE

The purpose of our camera system is to supplement our agency's efforts to provide additional security to public places, businesses, and to our citizens. The intent of the system is to lead to the rapid identification of those responsible for crimes in view of a camera; the deterrence of those who, but for the presence of a camera, might seize on an opportunity to prey upon one another, and the successful prosecution of criminals whose activity is captured by the system.

808.1.1 AUTHORIZED CAMERA APPLICATIONS

The primary use of the cameras will be to surveil and assist with calls for service of criminal and suspicious activity in the viewable area of the video camera.

808.1.2 THE SYSTEM WILL NOT BE USED FOR

The system will not be used for arbitrary viewing of citizens, absent criminal or suspected criminal activity. The system will not be used for the viewing of activities where a reasonable expectation of privacy may exist, even though conducted in a public place, or the exclusive use of traffic enforcement.

808.1.3 RACIAL PROFILING/NONDISCRIMINATION

No operator shall select or monitor any person in view of this surveillance system based solely on their race, ethnicity, gender, sexual orientation, or disability for observation or tracking absent criminal or suspicious activity. The system shall only be used for purposes directly related to public safety or authorized internal or criminal investigations.

808.1.4 TRACKING AND IDENTIFICATION OF PERSONS

The use of identification and tracking technologies raises specialized concerns regarding constitutional rights and values. In public, most people expect to remain anonymous unless they are seen, recognized, and remembered by another individual present at that location. Tracking alone can create a far more thorough record of activity than observation and recording. Identification, moreover, creates a record that is personally identifiable and traceable back to a specific person, which raises data privacy concerns far less present with other types of surveillance.

The Bakersfield Police Department will adopt the practice of tracking an unknown person only when an operator makes specific observations of the individual(s) based on articulable reasonable suspicion that the person may be or may have been involved in criminal activity or as the result of a call for service in the area of the camera's viewing parameters.

808.2 VIDEO SURVEILLANCE DESIGN SPECIFICATIONS

The system will utilize multiple adjustable cameras focused on predetermined public areas. The cameras may be equipped with Pan, Tilt or Zoom (PTZ) capabilities that allow operators to

Bakersfield Police Department

Bakersfield PD Policy Manual

VIDEO POLICING SYSTEM

manipulate the framing or focal length of a video image only for the specific purpose of monitoring potential suspicious persons or activities.

Cameras shall be situated in public places that will maximize the field of view of public areas for public safety purposes only.

808.2.1 IDENTIFYING MONITORED ZONES

Whenever practical, signage notifying the public that the Video Policing system is being used and recorded will be posted in conspicuous locations proximate to each. In the event the placement of signage may hamper the Police Department's ability to make an apprehension, signage will not be posted.

808.2.2 STORAGE/RETRIEVAL OF IMAGES

Video images captured from the system will be automatically downloaded onto a secure digital storage system where they will be stored for 15 days before being overwritten by new data. The secure digital storage system will be connected to the City's network and is protected by multiple layers of security including password protected user accounts.

Requests for a review of stored images shall be made through the Technology Lieutenant or his/her designee. The review and retrieval of images may be for the purpose of criminal, training or investigations only.

808.2.3 PROVISIONS OF IMAGES TO MEMBERS OF THE PUBLIC

Images obtained by the Bakersfield police Department surveillance system shall not be generally releasable to members of the general public, including information sought between civil litigants. Images will be withheld consistent with the Public Records Act.

These include data involving an ongoing law enforcement investigation or data which constitutes an unwarranted invasion of personal privacy. This is based on the Freedom of Information Act's privacy exception. The most notable exception is where images are released to assist in the identification or apprehension of a person or persons wanted in an investigation.

808.2.4 VIDEO DATA AS EVIDENCE

Video data retained for evidentiary purposes shall only be reproduced for the purpose of prosecution efforts or in response to a valid court order. All copies shall be accounted for by the investigator responsible for maintaining case records related to the video data.

808.3 AUTHORIZED USERS

User accounts will be limited to those police employees with a specific ongoing need to address the system for the purpose of prevention, detection, identification or apprehension considerations related to public safety, in addition to emergency response or authorized internal or criminal investigations. All user accounts require approval by the Technology Lieutenant or designee before establishment.

VIDEO POLICING SYSTEM

808.3.1 USER ACCESS

All persons designated by the Technology Lieutenant as system users shall receive training and unique user identification in order to access the system. Images stored on servers shall only be accessed and retrieved by authorized personnel.

808.3.2 MONITORING OF EMPLOYEE ACCESS

The video Policing System shall be equipped with capabilities that provide an audit trail of system use and user access. This information shall include the user ID, password and the ability to review all activities concerning the use of the PTZ features of that particular operator.

Chapter 9 - Custody

CUSTODY SEARCHES

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures which conform to Penal Code § 4030 regarding pat-down, booking and strip searches of pre-arraignment detainees.

900.2 DEFINITIONS OF SEARCHES

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

Booking Search - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §§ 4030(d)(1) and 4030(d)(3)).

900.3 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle or providing transportation in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.

900.4 BOOKING SEARCHES

- (a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor or infraction not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:

CUSTODY SEARCHES

1. The person is not cited and released
 2. The person is not released on his or her own recognizance
 3. The person is not able to post bail within a reasonable time not less than three hours
- (b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

900.5 STRIP SEARCHES

No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, possession of controlled substances or violence, shall be subjected to a strip search or visual body cavity search prior to placement in the general jail population unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband which would be discovered by such a search (Penal Code § 4030(f)).

- (a) No strip search or visual body cavity search shall be conducted without prior authorization from a supervisor. The time, date, and place of the search, the name and gender of the person conducting the search and a statement of the results of the search shall be recorded in the arrest record. A copy of the recorded information shall be retained and made available to the arrestee or other authorized representative upon request.
- (b) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search (Penal Code § 4030(m)).
- (c) Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip search or visual body cavity search shall be of the same gender as the person being searched (Penal Code § 4030(l)).
- (d) Whenever possible, a second officer of the same gender should also be present during the search, for security and as a witness to the finding of evidence.
- (e) The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched (Penal Code § 4030(j)).
- (f) No employee should view an arrestee's private underclothing, buttocks, genitalia or female breasts while that person is showering or changing clothes unless the arrestee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the arrestee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the arrestee's consent and/or otherwise protect the arrestee's privacy and dignity.

Bakersfield Police Department

Bakersfield PD Policy Manual

CUSTODY SEARCHES

Nothing in this policy section shall prohibit the otherwise lawful collection of trace evidence from an arrestee in accordance with the provisions of (c) through (f) above and based on a valid exigency, consent or a search warrant.

900.5.1 PHYSICAL BODY CAVITY SEARCH

- (a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant (Penal Code § 4030(h)).
- (b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative (Penal Code § 4030(i)).
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code § 4030(k)).
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

Chapter 10 - Personnel

PERSONNEL FILES

1001.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1001.2 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).

1001.3 PERSONNEL FILE

The personnel file shall be maintained as a record of a person's employment/appointment with this department. The personnel 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) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (c) Original performance evaluations. These should be permanently maintained.
- (d) Discipline records, including copies of sustained personnel complaints.
 - 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 two years (Government Code § 26202; Government Code § 34090).
 - 2. Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (e) Adverse comments such as supervisor notes or memos may be retained in the personnel file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - (a) 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).
 - (b) Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
 - (c) 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).

PERSONNEL FILES

- (f) Commendations and awards.
- (g) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1001.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of a personnel file by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1001.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Watch Commander, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1001.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

PERSONNEL FILES

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1001.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall submit a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of Internal Affairs files which have not been sustained against the employee

1001.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1001.7.1 DEPARTMENT PERSONNEL FILE

The Department personnel file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.
 - 1. It shall be the responsibility of the involved employee to provide the Training lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
 - 2. The Training lieutenant or supervisor shall ensure that copies of such training records are placed in the employee's department file.
- (c) Disciplinary action:
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL FILES

2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).
 3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (d) Adverse comments such as supervisor log entries may be retained in the department file or personnel file after the employee has had the opportunity to read and initial the comment and for a period up to two years (Government Code § 3305).
1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
 2. Any such employee response shall be attached to and retained with the original adverse comment.
 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.
- (f) Special Orders reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.
- (g) A photograph of the employee shall be permanently retained.

1001.7.2 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Detail 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 supervisor of the Internal Affairs Detail. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition
1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
 2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL FILES

arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).

- (b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

1001.7.3 TRAINING FILES

An individual training file shall be maintained by the Planning, Research, and Training office for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Training lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training lieutenant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1001.7.4 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1001.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 26202).

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL FILES

beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.
- (d) The Internal Affairs lieutenant shall be responsible for reviewing files to be purged and for destroying those files pursuant to resolution.

1001.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Internal Affairs Detail.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1001.8.2 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).

1001.9 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL FILES

1001.9.1 DEFINITIONS

Brady Material - In the Brady v. Maryland decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

Penal Code § 1054.1 - California law also establishes a criminal defendant's right to access potentially exculpatory evidence.

1001.9.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a so-called Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

1001.9.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

- (a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party, the District Attorney shall be notified of the potential presence of Brady material in the officer's personnel file
- (b) The District Attorney should be instructed to file a Pitchess motion in order to initiate an in camera review by the court
- (c) As with any Pitchess motion, and prior to any review of the files by the court, subject officer(s) shall be notified in writing that a Pitchess motion has been filed
- (d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the

PERSONNEL FILES

court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant

- (e) If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be released to the parties filing the Pitchess motion
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the Court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

1001.10 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 Detail lieutenant 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)(2)):

- 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, or whether the officers'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)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

- (a) Records relating to the report, investigation, or findings of:
 - 1. The discharge of a firearm at another person by an officer.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL FILES

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.
- (b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department or oversight agency regarding:
 1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

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)(3)).

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)(4) against the officer. 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 sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

1001.10.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of an officer.
- (b) Information that would compromise the anonymity of complainants 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 misconduct and serious 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)(6)).

1001.10.2 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

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL FILES

records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury 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 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 used the force.
- (b) Filed criminal charges
 - 1. When charges are filed related to an incident where 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 whichever occurs later:
 - (a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the use of force or allegation of use of force
 - (b) Thirty days after the close of any criminal investigation related to the officer's use of force

1001.10.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, 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

PERSONNEL FILES

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 use of serious force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, 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)(7)).

1001.11 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 Chief of Police through the chain of command. The department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the department and the member that may be discovered in a judicial proceeding.

PERSONNEL FILES

1001.12 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

PERSONNEL COMPLAINTS

1002.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Bakersfield Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1002.2 POLICY

The Bakersfield Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1002.3 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.

1002.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Division Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a Division Commander determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to Internal Affairs, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

PERSONNEL COMPLAINTS

1002.3.2 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 member of the department 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.

1002.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1002.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of Department lobby or at the Internal Affairs Office and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1002.4.2 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 his/her statement at the time it is filed with the department (Penal Code § 832.7).

1002.4.3 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).

1002.5 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL COMPLAINTS

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 Professional Standards Unit should audit the log and send an audit report to the Chief of Police or the authorized designee.

1002.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1002.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct 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 Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - (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 Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - (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 Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander, on Duty Commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the City of Bakersfield Human Resources Department and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL COMPLAINTS

- (f) Forwarding unresolved personnel complaints to the Division Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1002.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of Internal Affairs, 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 should be at facilities of the Bakersfield Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature and scope 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

PERSONNEL COMPLAINTS

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).

1002.6.3 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.

PERSONNEL COMPLAINTS

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1002.6.4 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.

1002.6.5 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.

1002.6.6 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.

1002.7 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL COMPLAINTS

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).

1002.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1002.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1002.9 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 on duty commander shall be notified as soon as practicable when a member is accused of criminal conduct and shall make the appropriate notifications to the Chief of Police. The Chief of Police or an authorized designee 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 Bakersfield Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL COMPLAINTS

1002.10 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.

1002.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1002.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander or Internal Affairs 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, at the recommendations of the Division Commander, 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 the opportunity for 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.
 - (a) 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.
 - (b) 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL COMPLAINTS

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.

1002.10.3 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)).

1002.10.4 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)).

1002.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1002.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1002.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

PERSONNEL COMPLAINTS

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.

1002.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1002.15 PRE-DISPOSITION SETTLEMENT AGREEMENT (PDSA)

The Bakersfield Police Department recognizes that good order and discipline are essential elements of the law enforcement profession. As such, the Bakersfield Police Department endeavors to hold its employees, sworn and non-sworn, to the highest standards of the police profession. An essential element of maintaining these standards and ideals is the imposition of discipline when an employee's conduct falls short of the standards established by the Bakersfield Police Department.

All disciplinary matters will be investigated and handled consistent with accepted investigative standards, the California Peace Officers Procedural Bill of Rights (Government Code 3300 et. seq.) as applicable, and current statutory and case law.

If employee misconduct requires the imposition of disciplinary action, such disciplinary action shall be taken in an informed, reasonable, timely, fair and uniform fashion, without compromising the mission of the Bakersfield Police Department.

It is recognized that occasions exist where both the Bakersfield Police Department and the subject employee of an investigation will benefit from a prompt, mutually-agreed upon resolution to specific disciplinary matters. Pre-disposition settlement agreements offer the following advantages over traditional full investigations:

- The matter is resolved relatively quickly and the subject employee is able to put the matter behind him/her.
- Less investigatory time and effort is required.

This policy is therefore enacted in order to establish policies and procedures relevant to pre-disposition settlement agreements.

1002.15.1 DEFINITIONS

A pre-disposition settlement agreement (PDSA) is an alternative to a full disciplinary investigation to be employed only under specific, limited circumstances as described in this policy.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL COMPLAINTS

1002.15.2 ELIGIBILITY

Pre-disposition settlement agreements may be utilized in lieu of a full investigation only under the following circumstances:

- a) The subject employee readily acknowledges his/her error, accepts responsibility for his/her conduct and desires the matter be rapidly resolved.
- b) Internal Affairs cases that, if sustained, could possibly result in a termination of employment or demotion are not eligible for a PDSA.
- c) Allegations of sexual or discriminatory harassment violations of Department and/or City policy are not eligible for a PDSA.
- d) The subject employee agrees to forego a full investigation and agrees to all conditions of the PDSA.
- e) The Assistant Chief and division commander concur that the PDSA is an appropriate remedy to the disciplinary situation.

1002.15.3 PRE-MEETING PROCEDURES

Prior to sending any complaint to a division commander for evaluation, the Internal Affairs Detail Commander will evaluate the complaint to determine if it meets the criteria of a PDSA.

Upon becoming aware of any PDSA-eligible personnel complaint against a member under his/her command, the affected division commander will evaluate the complaint and authorize the complaint for a PDSA or order the complaint investigated pursuant to BPD Disciplinary Policy and/or BPD Personnel Complaints Policy as applicable. The division commander's decision will be indicated on the associated complaint documentation.

Upon receiving a PDSA-authorized complaint from a division commander, Internal Affairs Detail personnel will prepare a PDSA package and forward the package to the subject employee's division commander. The PDSA package will minimally contain:

- a) The PDSA authorized complaint
- b) A summary of the subject employee's past and pertinent disciplinary history, if any
- c) Documents concerning any discipline stemming from an incident that occurred more than five years before the date of the PDSA authorized complaint will be excluded from the package.
- d) Additional relevant information as appropriate

The division commander will:

- e) Thoroughly review the complaint and make him/herself aware of the facts of the matter and any mitigating or aggravating factors that may exist.
- f) Develop a proposed disciplinary action based on the facts of the case and past practice
- g) Contact the Assistant Chief and present the proposed discipline for approval.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL COMPLAINTS

h) The Assistant Chief will evaluate the division commander's proposed discipline and either authorize the discipline or suggest alternatives. In any case, PDSA disciplinary actions must have both the involved division commander's and the Assistant Chief's approval before being presented to the subject employee.

Once the appropriate discipline has been agreed upon, the division commander will personally contact the subject employee. Pursuant to Government Code §3303, the commander will not ask the subject employee any questions regarding the complaint, but will:

- i) Inform the subject employee a complaint has been lodged against him/her.
- j) Inform the employee of the nature of the complaint including approximate date, time and policy, procedure or law violated.
- k) Inform the employee that the matter has been approved for a pre-disposition settlement agreement
- l) Provide the employee a copy of the complaint and a PDSA notification letter.
- m) Inform the subject employee that he/she has the right to refuse the PDSA and have the matter fully investigated and adjudicated pursuant to the provisions of BPD Disciplinary Policy and/or BPD Personnel Complaints Policy as applicable if he/she wishes.
- n) Inform the employee that he/she has the right to consult with an attorney or representative before making any decisions regarding the PDSA. The representative shall not be a person subject to, or involved in the investigation.
- o) Inform the employee that all matters resolved by PDSA require the subject employee to accept full responsibility for his/her misconduct and submit a responsibility memorandum. The memorandum must clearly acknowledge personal responsibility for the misconduct or policy violation alleged in the complaint and must include a statement that outlines how the employee will go about ensuring the errant behavior will not be repeated.
- p) Inform the subject employee that the responsibility memorandum will be retained with the Internal Affairs case file.
- q) Order the subject employee to contact the division commander or his/her designee within 5 business days with a decision on whether he/she wishes to pursue the PDSA.

If the employee wishes to pursue the PDSA, a PDSA meeting will be scheduled at a mutually convenient date and time pursuant to Government Code §3303. If the subject employee fails to contact the commander or designee within 5 business days to schedule the PDSA meeting, the matter will be returned to the Internal Affairs unit for investigation and adjudication pursuant to BPD Disciplinary Policy and/or BPD Personnel Complaints Policy as applicable.

PERSONNEL COMPLAINTS

1002.15.4 PDSA MEETING PROCEDURES

The affected division commander will conduct the PDSA meeting in a manner that affords the subject employee all applicable rights pursuant to City and Bakersfield Police Department Policies and Procedures and the Peace Officer Bill of Rights (Government Code §3300).

The PDSA meeting will commence with the commander specifically telling the subject employee:

- a) An audio recording will be made of the meeting and the employee has a right to a copy of the recording. The employee also has the right to record the meeting.
- b) The employee has the right to waive the PDSA and have the matter investigated pursuant to BPD Disciplinary Policy and/or BPD Personnel Complaints Policy as applicable.
- c) The employee has the right to have an attorney or representative of her/his choice present during the meeting. This representative shall not be a person subject to, or involved in the investigation.

The commander will verbally present the proposed discipline to the employee. The commander and the employee may discuss the proposed discipline, but the commander will not interrogate the subject employee regarding any aspect of the complaint. Unless the employee immediately refuses the proposed discipline, the commander will prepare, and present to the subject employee, a written, but unsigned, settlement agreement document containing the proposed discipline.

The employee will be afforded a reasonable period of time, not to exceed 72 hours, to privately discuss the proposed discipline and the settlement agreement document with his/her representative or attorney, if the employee so desires.

At the subject employee's discretion, the remaining actions may be conducted during the PDSA meeting, or at a later, mutually agreed upon time, not to exceed 72 hours after the employee receives the verbal presentation of the proposed discipline.

- d) If the employee agrees to the discipline, the employee will present his/her prepared memorandum of responsibility to the division commander.
- e) The division commander will review the employee's memorandum of responsibility and verify the memorandum meets the criteria established in this policy before signing the PDSA.
- f) The employee and the division commander will sign the PDSA document. The division commander will add the original, signed PDSA document to the case file and will cause the file to be returned to the Internal Affairs Detail. Internal Affairs Detail personnel will retain the case file consistent with City and Department Policies.
- g) The division commander will cause the agreed-upon discipline to be administered.

1002.15.5 PDSA TERMINATION

The employee has the right to abort the PDSA process at any time prior to signing the PDSA document. If the meeting is aborted by the employee, the matter will be returned to the Internal Affairs Unit for investigation and adjudication pursuant to BPD Disciplinary Policy and/or BPD Personnel Complaints Policy as applicable.

Bakersfield Police Department

Bakersfield PD Policy Manual

PERSONNEL COMPLAINTS

1002.15.6 MEMORANDUM OF RESPONSIBILITY

The subject employee may prepare his/her written memorandum of responsibility prior to the PDSA meeting, or after being verbally advised of the proposed discipline. The memorandum must minimally include the following:

- a) A description of the relevant incident
- b) A statement accepting full responsibility for his/her misconduct as alleged in the complaint
- c) A statement explaining the specific actions the employee will take or has taken to ensure the errant behavior will not be repeated.

1002.16 PDSA LETTER AND SETTLEMENT AGREEMENT

See attachment: [BPD PDSA and Settlement Agreement 10.1.20.pdf](#)

DISCIPLINARY POLICY

1003.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Bakersfield Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors. This policy applies to all employees (full- and part-time), reserve officers and volunteers.

1003.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

1003.3 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:

1003.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status.

1003.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

Bakersfield Police Department

Bakersfield PD Policy Manual

DISCIPLINARY POLICY

- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (c) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

1003.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

1003.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants

Bakersfield Police Department

Bakersfield PD Policy Manual

DISCIPLINARY POLICY

- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

1003.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

Bakersfield Police Department

Bakersfield PD Policy Manual

DISCIPLINARY POLICY

- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known 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 the Department.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
- (y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

Bakersfield Police Department

Bakersfield PD Policy Manual

DISCIPLINARY POLICY

- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ad) 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.

1003.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating departmental safety standards or safe working practices.

1003.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

1003.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

DISCIPLINARY POLICY

1003.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

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.

1003.4.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within ten days of receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final.

1003.5 POST INVESTIGATION PROCEDURES

1003.5.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action
- (b) When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

1003.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (*Skelly*) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

Bakersfield Police Department

Bakersfield PD Policy Manual

DISCIPLINARY POLICY

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the *Skelly* notice.
 - 1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
 - 2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

1003.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This *Skelly* 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 *Skelly* 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 of such subsequent investigation 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.
- (f) Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.

DISCIPLINARY POLICY

- (g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

1003.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline or completion of a pending investigation.

1003.8 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) and personnel rules.

1003.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the *Skelly* procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline
- (c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file

Bakersfield Police Department

Bakersfield PD Policy Manual

DISCIPLINARY POLICY

- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police

EVALUATION OF EMPLOYEES

1004.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1004.2 POLICY

The Bakersfield Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1004.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and professional staff supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

EVALUATION OF EMPLOYEES

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1004.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under Policy Manual § 350.

1004.4 FULL TIME PROBATIONARY PERSONNEL

Police Department personnel are on probation for 12 months before being eligible for certification as permanent employees. Employees will receive a six month evaluation for a possible pay increase per the City of Bakersfield salary step raise policy. They will also be evaluated prior to their 12 month anniversary to determine eligibility for permanent status.

1004.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1004.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place an "X" in the column that best describes the employee's performance.

Space for written comments is provided at the end of the evaluation and after each job dimension in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked "Below Standard" or "Exceeds Standard" shall be substantiated in the rater comments section.

[See attachment: Employee Eval Master Form NF.pdf](#)

1004.6 PRE-EVALUATION QUESTIONNAIRE AND CONFERENCE

Approximately 30 days prior to the evaluation deadline, supervisors will provide a pre-evaluation questionnaire form to the employee to allow employee input in the process. A conference will be scheduled to discuss items on the questionnaire and other issues pertinent to the evaluation process.

Bakersfield Police Department

Bakersfield PD Policy Manual

EVALUATION OF EMPLOYEES

1004.6.1 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation.

1004.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1004.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

GRIEVANCE PROCEDURE

1005.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1005.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1005.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or bureau.
- (c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.
- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:
 1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:

Bakersfield Police Department

Bakersfield PD Policy Manual

GRIEVANCE PROCEDURE

- (a) The basis for the grievance (i.e., what are the facts of the case?).
- (b) Allegation of the specific wrongful act and the harm done.
- (c) The specific policies, rules or regulations that were violated.
- (d) What remedy or goal is being sought by this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

1005.3 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.

1005.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

REPORTING OF EMPLOYEE CONVICTIONS

1006.1 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.

1006.2 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.

1006.3 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.

1006.4 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 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) if the member or retiree becomes the subject of a domestic violence restraining order or similar court order. This notification does not preclude a supervisor from requesting the notification

Bakersfield Police Department

Bakersfield PD Policy Manual

REPORTING OF EMPLOYEE CONVICTIONS

in writing via memorandum from the member of this department or via written correspondence from the retiree.

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 notice pursuant to this policy shall be subject to discipline.

1006.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1006.5.1 NOTIFICATION REQUIREMENTS

The Administration Secretary shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administration Secretary shall submit within 30 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

1007.1 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).

1007.2 POLICY

It is the policy of this Department to provide a drug- and alcohol-free workplace for all members.

1007.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on City property or at any other time.

1007.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the use of such medication to their immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or department-leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession of marijuana or being under the influence of marijuana on-duty or off-duty is prohibited and may lead to disciplinary action. For the purposes of this section, marijuana means cannabis in any ingestible, inhalable, or orally absorbable form and includes all forms of medical cannabis.

1007.3 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 alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1007.4 MEMBER RESPONSIBILITIES

Drug- and Alcohol-Free Workplace

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on Department premises or on Department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1007.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1007.6 REQUESTING SCREENING TESTS

The Department may request an employee to submit to a screening test if the Department:

- 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.
- Informs the employee in writing whether the test will be for alcohol or drugs or both.
- Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.
- Informs the employee that he/she may refuse the test, but that refusal may result in dismissal or other disciplinary action.

1007.6.1 ADDITIONAL SCREENING TESTS FOR OFFICERS

The Department may request an employee to submit to a screening test if the employee:

- (a) Is a law enforcement officer and during the performance of his/her duties, discharges a firearm other than by accident.
- (b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

Drug- and Alcohol-Free Workplace

1007.6.2 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1007.7 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.

DEPARTMENT USE OF SOCIAL MEDIA

1008.1 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.

1008.1.1 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

1008.2 POLICY

The Bakersfield Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

1008.3 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.

1008.4 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:

DEPARTMENT USE OF SOCIAL MEDIA

- (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.

1008.4.1 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.

1008.5 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 Bakersfield Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

1008.5.1 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

DEPARTMENT USE OF SOCIAL MEDIA

1008.6 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.

1008.7 RETENTION OF RECORDS

The Administration Division Commander 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.

1008.8 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.

SICK LEAVE

1009.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1009.2 POLICY

It is the policy of the Bakersfield Police Department to provide eligible employees with a sick leave benefit.

1009.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1009.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

SICK LEAVE

1009.4 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy.

If the supervisor and department head have any questions as to the returning employee's ability to perform all of the duties of his/her position, the employee shall be required to first be examined by the City physician at the City's expense.

1009.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - (a) Negatively affected the member's performance or ability to complete assigned duties.
 - (b) Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

COMMUNICABLE DISEASES

1010.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department employees contracting and/or spreading communicable diseases, and to minimize the incidence of illness and injury. The policy offers direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease in the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1010.1.1 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, COVID-19, 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 as used in this policy only includes those instances that occur due to an employee's position at the Bakersfield Police Department.

1010.1.2 ELEMENTS OF A BLOODBORNE EXPOSURE

- (a) Is the fluid or substance with which the worker had contact one of the following?
 - 1. Blood
 - 2. Semen
 - 3. Vaginal secretions
 - 4. Any body fluid or matter containing blood (e.g., vomit or saliva mixed with blood)
 - 5. Saliva
- (b) Did the above listed fluid or substance enter the worker's body through any of the following "portals of entry?"

COMMUNICABLE DISEASES

1. Needle stick injury
2. Laceration
3. Open cut, wound or weeping lesion (non-intact skin)
4. Splash or contact with eyes, mouth, nose (mucus membranes)

If the answers to both (a) and (b) are yes, then the worker did sustain a bloodborne exposure. If the answer to either (a) or (b) is no, an exposure did not occur.

1010.1.3 ELEMENTS OF AN AEROSOL TRANSMISSIBLE DISEASES EXPOSURE

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

- (a) An employee has been exposed to an individual who is, or suspected to be, infected with a reportable aerosol transmissible disease, including exposure to a work area or equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.
- (b) The exposure occurred without the benefit of applicable exposure controls required by this policy.
- (c) It reasonably appears from the circumstances of the exposure that the transmission of disease is sufficiently likely to require medical evaluation.

1010.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines. The Bakersfield Police Department is committed to providing a safe work environment, but employees should be aware that they are ultimately responsible for their own health and safety.

1010.2.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should an exposure occur, all employees shall verbally report any exposure covered in this policy to their immediate supervisor as soon as possible following the exposure or suspected exposure.

1010.2.2 EXPOSURE CONTROL OFFICER

The Exposure Control Program shall be managed by the Training Lieutenant who will be responsible for the following:

- (a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP), and the Pandemic Infection Control Program manual.
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.
- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.

Bakersfield Police Department

Bakersfield PD Policy Manual

COMMUNICABLE DISEASES

- (d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
- (e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.
- (f) Maintaining an up-to-date list of police personnel requiring training. Developing and implementing a training program, maintaining class rosters, and periodically reviewing and updating the training program.
- (g) Reviewing and updating the ECP annually (on or before January 1 of each year).
- (h) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq.
- (i) This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employees' name should not appear on this form.

The Department's Training Lieutenant will maintain a list of Exposure Control Officers and their contact information in the OIC's office.

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

1010.2.3 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

All employees 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 (29 CFR 1910.1030):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or vehicles, as applicable.
- (b) Wearing approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.

COMMUNICABLE DISEASES

- (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., clothing, shoes, work equipment) 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 should 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 bio-hazardous waste appropriately or labeling bio-hazardous material properly when it is stored.

1010.2.4 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Disposable latex or nitrile gloves.
- Safety glasses or goggles.
- Rescue mask with a one-way valve.
- Alcohol (or similar substance) to disinfect skin at emergency site.

The protective equipment is to be kept in each police vehicle; and inspected by the employee at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

1010.2.5 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization. Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030). Additional immunizations may also be required or provided depending on emerging or pandemic threats.

1010.2.6 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

- (a) Disposable gloves should be worn on all medical emergency responses.
- (b) Disposable gloves should be worn before making physical contact with any patient and/or when handling items soiled with blood or other body fluids. Should one's

Bakersfield Police Department

Bakersfield PD Policy Manual

COMMUNICABLE DISEASES

disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste.

- (c) Care should be taken to avoid touching other items (e.g., pens books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.
- (d) Disposable N-95 respirators should be used whenever an employee believes they are in contact with a potentially aerosol transmissible infectious person. Face shields such as cloth or surgical masks may be used as an alternative.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Avoid eating, drinking, smoking, applying lip balm, and handling contact lenses in areas where potential for exposure exists.

1010.2.7 ACTIONS TO BE TAKEN BY EXPOSED MEMBER AND SOURCE PATIENT FOR BLOODBORNE PATHOGEN EXPOSURES

As soon as it is safe to do so, the employee should attempt to wash the exposed area and notify his/her supervisor. The responsible Supervisor will complete the Bakersfield Police Exposure form and the On-Duty Injury report. The supervisor will notify an on-duty Exposure Control Officer, if available. If an Exposure Control Officer is not on-duty and it is not necessary to summon an off-duty Exposure Control Officer, the supervisor will notify an Exposure Control Officer via e-mail and provide the following information:

- (a) Date and time of incident.
- (b) Exposed employee's name.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.
- (e) Identifying information for the source person or material.
- (f) Current location of material/source person.
- (g) How the incident occurred or was caused.

A court order is required if the source refuses the blood draw for the basic exposure procedure. When the source patient refuses a blood draw, the signed petition, the court order, and report, will need to be submitted to the Superior Court Clerk's Office by 1400 hours. If the report is lengthy, a general offense report with a case summary with the following information will suffice:

- (a) Date and time of incident.
- (b) Exposed employee's name.
- (c) Location of incident.
- (d) What potentially infectious material were involved.
- (e) Identifying information of source person or material.

COMMUNICABLE DISEASES

- (f) Current location of material/or source person.
- (g) How the incident occurred or was caused.

The case will be placed on the "PX" calendar to be heard at 1500 hours. If the exposure occurs after the 1400 hour timeline, the case will then need to be heard the following court day at 1500 hours. If the supervisor or employee has any questions or requests assistance during the exposure process, an Exposure Control Officer should be contacted.

When the incident scene is secure, the source patient will be taken to Kern Medical (KM) for the necessary blood test. The subject will be taken by a different officer than the one who has suffered the exposure. The transporting officer will advise KM staff that an exposure has occurred and the subject needs to be tested. The officer should advise KM staff of the type of body fluid that is involved, such as blood, saliva, feces, urine, semen or vaginal secretions, or if the exposure was airborne tuberculosis. KM staff will obtain the written consent form from the source patient so testing for various diseases, including HIV, can be completed.

If the source patient refuses to sign the consent form, the officer shall re-contact the original supervisor or an on-duty supervisor. If a Designated Officer was involved, that officer will also be advised of the refusal. At this time, the Supervisor designee or the Exposure Control Officer will complete the "Petition for Court Order to Test Arrestee's Blood" and "Order to Obtain and Test Arrestee's Blood" forms, which can be located in the "G" drive under "Forms." The Petition must be signed by the treating doctor or nurse indicating that an attempt to obtain a consensual blood draw was requested. Exposure Control Officers can be contacted to assist with this process.

Once the source patient has completed the necessary jail clearance, they can be transported to jail or released. The exposed employee will be provided the necessary forms to complete. If an exposure occurs that is airborne (tuberculosis) or if the exposure has minimal blood involved and the exposure happens when Central Valley Occupational (CVO) or Memorial Occupational Medicine is open, the employee can go there for the blood test. If CVO or Memorial Occupational is not open, or the exposure to blood is more than a minimal amount, the employee shall go to Memorial Hospital. If the exposure was significant enough and the Memorial Hospital doctor and the employee agree that medication is needed immediately, Memorial Hospital has the necessary medication to begin treatment.

The employee will be notified of the source patient's status by Kern Medical or the Designated Officer. The employee is responsible to complete the necessary follow-up appointments and testing. The exposure forms will be forwarded to the secretary of the Operations Division. The Operations Division secretary will maintain a copy of the exposure forms for the Exposure Control Officer.

1010.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

Bakersfield Police Department

Bakersfield PD Policy Manual

COMMUNICABLE DISEASES

1010.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

1010.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If a member's intact skin contacts someone else's blood or body fluids or other potentially infectious materials, the member shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the member's skin are contaminated, the member shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as the cleaning or decontamination area. (CAL Code of Regulations Title VIII Section 5193)

1010.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. No attempt should be made to replace a cover on the exposed needle of a syringe. Disposal, when practicable, shall be into a puncture proof biohazard container or placed into a plastic syringe tube for booking into property.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dust-pan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1010.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed

COMMUNICABLE DISEASES

of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1010.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container, as described in Policy Manual § 1010.3.1.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1010.2.8 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1010.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water).

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

COMMUNICABLE DISEASES

1010.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag, the employee should then contact an Exposure Control Officer for guidance securing a dry cleaner that is capable of cleaning contaminated clothing.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1010.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water) as soon as feasible.

1010.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location that will serve as the area for cleaning/decontamination. This area is located in the janitor's closet on the west side of the Police Department basement.

This area is to be used to keep equipment clean and sanitary and for the members to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, food and drink are prohibited in this designated area at all times.

1010.4 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to a bloodborne pathogen at work should be seen by a physician or qualified health care provider as soon as possible through the City's workers compensation program. The blood of the exposed member shall be tested, or be offered other medical diagnostics depending on the type of exposure.

The health care professional will provide the employee with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report. No other information should be requested or accepted by the ECO.

Bakersfield Police Department

Bakersfield PD Policy Manual

COMMUNICABLE DISEASES

1010.4.1 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030).

1010.5 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's bloodborne exposure to a person who was not arrested, the employee, designee or ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.

1010.5.1 EXPOSURE FROM AN ARRESTEE

Upon notification of a employee's exposure to an employee by a person who was arrested, the ECO should take the following steps:

- (a) Comply 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.
- (b) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (c) The results of the tests should be made available to the donor and the exposed employee.

In the rare event that the exposed employee is not covered by either statutory scheme, the employee or ECO should seek consent or a court order in the same manner as for a non-arrestee.

COMMUNICABLE DISEASES

1010.6 REPORTING REQUIREMENTS

The supervisor on duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed.
- (b) Date and time of the incident.
- (c) Location of the incident.
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source).
- (e) Work being done during exposure.
- (f) How the incident occurred or was caused.
- (g) PPE in use at the time of the incident.
- (h) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee 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.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1010.2.8).

1010.6.1 COUNSELING

The Department shall provide the employee and his/her family, if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1010.7 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1010.8 PANDEMIC RESPONSE, DEFINITION, ROLES AND RESPONSIBILITY

A pandemic is a global disease outbreak. An aerosol transmissible pandemic occurs when a new aerosol transmissible virus emerges for which there is little or no immunity in the human population, begins to cause serious illness and then spreads easily person-to-person worldwide. An aerosol transmissible pandemic has the potential to cause widespread illness and death. Planning and preparedness before a pandemic are critical for an effective response.

While all sectors of society are involved in pandemic preparedness and response, the Bakersfield Police Department is a central component to mitigation and prevention efforts given our unique

Bakersfield Police Department

Bakersfield PD Policy Manual

COMMUNICABLE DISEASES

circumstances that increase the likelihood for a potential exposure. In its leadership role, the department should:

- (a) identify, appoint, and lead a mobilized team for pandemic preparedness and response; enact or modify policies and guidance manuals required to sustain and optimize pandemic preparedness, capacity development, and response efforts across all sectors
- (b) prioritize and guide the allocation and targeting of resources to achieve the goals as outlined in the department's Infection Control Program Plan; and
- (c) provide additional resources for preparedness, and response measures.

The Bakersfield Police Department has a natural leadership and advocacy role in pandemic preparedness and response efforts. In cooperation with federal, state, county and other municipal entities, the department must provide leadership, guidance, and compliance, in addition to raising awareness of the risk and potential health consequences of an aerosol transmissible pandemic. To fulfill this role, the department should be ready to:

- (a) provide reliable information on the risk, severity, and progression of a pandemic and the effectiveness of interventions used during a pandemic.
- (b) prioritize and continue the provision of personal protective equipment and exposure mitigation during an aerosol transmissible pandemic.
- (c) enact steps to reduce the spread of aerosol transmissible diseases within the departments facilities.
- (d) protect and support all employees during a pandemic.

1010.8.1 ROLES AND RESPONSIBILITIES

The responsibility and implementation of the exposure control plan shall be delegated to an assigned Infection Control Officer (ICO) at the onset of a pandemic. The Infection Control Officer shall be responsible in the delegation of duties to the departments Exposure Control Officers. In addition to the responsibilities assigned to the training lieutenant referenced in Policy 1010.2.2, the Infection Control Officer will also be responsible for the following:

- (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.

SMOKING AND TOBACCO USE

1011.1 PURPOSE AND SCOPE

The Surgeon General has determined that secondhand smoke is hazardous to health. Tobacco products may also be offensive to employees and the public.

1011.2 POLICY

Although smoking while in uniform is not prohibited, no officer or employee shall retain a cigarette or pipe in their mouth while talking to, or being addressed by, any person. Officers and employees, while on duty shall not smoke in a residence or under conditions where smoking may be detrimental to good conduct, appearance, or procedure. Smoking is not permitted within any City owned or leased vehicle. Smoking is prohibited in City facilities, including the police building. The use of snuff or chewing tobacco is prohibited while on duty or in the police facility and cigars shall not be smoked in public view, while on duty.

No person shall smoke 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.).

Employees in uniform are also prohibited from smoking or using tobacco products while in contact with the public.

1011.3 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

SEAT BELTS

1012.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

1012.2 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.

1012.2.1 TRANSPORTING CHILDREN

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

Children 12 and under shall not be transported in the front passenger seat of a Police Service Technician truck or Citizen Volunteer truck.

The transportation of children between the ages of 8 and 12 in the front passenger seat of a department vehicle should be discouraged.

Unless exigent circumstances exist or efforts to utilize an approved vehicle capable of supporting a child passenger restraint system are exhausted, patrol vehicles with plastic molded rear seats shall not be utilized for the transportation of children under the age of 8. When the situation arises where a child under the age of 8 requires transportation by sworn personnel, sworn personnel will utilize a Police Service Technician truck, Citizen Volunteer Unit vehicle, Community Relations Unit vehicle, Investigations vehicle or other department owned vehicle capable of supporting a child passenger restraint system. The utilization of an unassigned vehicle shall be documented pursuant to Bakersfield Police Department "Vehicle Use Policy."

BODY ARMOR

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY

It is the policy of the Bakersfield Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1013.3 ISSUANCE OF BODY ARMOR

The Training Office staff shall ensure that body armor is issued to all police officers, police service technicians and animal control officers when the officer begins service at the Bakersfield Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Training Office staff shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1013.3.1 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) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
- (f) Police Service Technicians, Parking Enforcement Technicians, and Animal Control Officers shall wear body armor while in uniform.

1013.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by the employee for fit, cleanliness and signs of damage or wear. The

BODY ARMOR

condition of the body armor will be brought to the attention of a supervisor by the employee if there is a perceived issued after the inspection.

1013.3.3 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/review 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.

1013.4 RANGEMASTER 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.
- (d) Provide training that educates officers about the effectiveness, abilities, and limitations between soft body armor, hard body armor and a combination of the two.

REQUEST FOR CHANGE OF ASSIGNMENT

1014.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1014.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a memorandum addressed to the Division Commander or the Division Commander's designee. The form should then be forwarded through the chain of command.

1014.2.1 PURPOSE OF WRITTEN REQUEST

The memorandum is designed to aid employees by listing their qualifications for specific assignments. All relevant experience, education and training should be included.

COMMENDATIONS AND AWARDS

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Bakersfield Police Department and individuals from the community.

1015.2 POLICY

It is the policy of the Bakersfield Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.3 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.

1015.3.1 COMMENDATION PROCESS

Written commendations will be in the form of a memorandum. Memorandums will include the employee name, division, assignment and a brief account of the commendable action. The memorandum will be forwarded through the chain of command to the Chief of Police. A copy of the memorandum shall be placed into the employee's personnel file by the Administrative Secretary.

1015.4 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.

1015.4.1 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 - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

COMMENDATIONS AND AWARDS

1015.4.2 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, division and assignment at the date and time of the meritorious or commendable act
 - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1015.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the department should be forwarded to the appropriate Division lieutenant for review. The Division lieutenant should sign and forward the documentation to the Division Commander for 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 secretary for the Chief of Police 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 Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1015.5 AWARDS

Awards may be bestowed upon members of the department and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police or authorized designee.

MEAL PERIODS AND BREAKS

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, in so far as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1016.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall take their breaks within the City unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1016.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in or near the police facility for their breaks.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall make notification via mobile data computer or via radio to the Communications Center. No more than two officers in uniform shall take a coffee or meal break at the same location without permission of a ranking officer.

LACTATION BREAKS

1017.1 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).

1017.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1017.3 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.

1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

OVERTIME PAYMENT REQUESTS

1018.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must enter their overtime request into TeleStaff.

1018.1.1 DEPARTMENT POLICY

Because of the nature of police work and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained. Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked. Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by entering requests into TeleStaff for overtime payments. If the supervisor authorizes or directs the employee enter the time for such a period, the employee shall comply. The individual employee may request compensatory time in lieu of receiving overtime payment; however, the employee may not exceed 100 hours of compensatory time. Ideally, overtime worked by employees will be pre-approved by a ranking officer. However, it is understood that there are times when this is impractical; in such cases, approval will be sought as soon as practical either after, or while the overtime is worked.

1018.2 REQUEST FOR OVERTIME PAYMENT

Employees shall enter all overtime payment requests into TeleStaff for verification by their immediate supervisor. Failure to enter a request for overtime payment in a timely manner may result in the delay of compensation.

1018.2.1 EMPLOYEES RESPONSIBILITY

Employees shall enter the request for overtime into TeleStaff.

1018.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request in TeleStaff.

1018.2.3 EXTENSION OF SHIFT

When officers appear in court on a day they work a regular shift, and the court proceedings conclude more than one hour before the beginning of their shift, officers are entitled to the three hour minimum or the actual time in court, whichever is greater, for their appearance in court. If the court proceedings conclude an hour or less before the beginning of the officer's shift, or overlap with the regular shift, the court time will be considered an extension of shift and the three hour

Bakersfield Police Department

Bakersfield PD Policy Manual

OVERTIME PAYMENT REQUESTS

minimum will not apply. The same standard applies when officers appear in court at the end of their shift. Employees in Classification (C) will be compensated at the straight time rate with the exception of supervisory employees. Classification (D) employees will not be compensated for extension of shift.

1018.2.4 COURT APPEARANCES WHILE ON VACATION

Officers required to appear in court while on vacation will be compensated at the same rate as regular court time. If the officer is in court for the same number of hours as their regular duty shift, the officer will have the option to receive normal court overtime (compensation or time off) or the time in court can be considered a normal work day and the scheduled vacation day will be credited to the officer's vacation balance.

1018.2.5 OVERTIME WHILE INJURED OR SICK

Officers who are off due to an on-duty injury, or on sick leave, are receiving their regular salary and are not entitled to overtime pay.

1018.2.6 RANGE QUALIFICATION

Officers will fire their range qualification on duty time, unless hours worked do not coincide with range hours. Officers who must qualify off-duty will be granted overtime at the rate of time and one-half.

1018.2.7 REST PERIODS

All voluntary overtime officers working a voluntary overtime shift of more than four hours shall be required to have at least eight hours of rest between the overtime shift and the previous shift worked and may not work more than fourteen hours at any stretch without approval of the Watch or Detail Commander. This excludes overtime due to call-outs, extension of shifts, court or mandatory assignments.

1018.2.8 SUBMITTING OF OVERTIME-COURT ONLY

For court overtime, eligible employees will enter the court overtime request into TeleStaff. The subpoena coordinator will verify the court on-call and overtime appearances before approving the request.

Employees in Classifications (A) will receive a minimum of three hours for court appearances or the actual amount of time spent in court, whichever is greater. (*Note: This figure is also negotiable with each memorandum of understanding. The three hour figure is accurate at the time of this publication.) If an employee is on call (standby) for a court case, overtime will begin at the time the employee arrives at the police department or court, whichever is earlier. If an employee is not on call and is called for court, overtime will begin at the time the employee is called for court. Overtime will end at the completion of the court proceedings. Employees subpoenaed out of town for court appearances on matters relating to employment with the city will be granted overtime on the same basis as in-town court appearances, in addition to overtime granted for travel time.

Bakersfield Police Department

Bakersfield PD Policy Manual

OVERTIME PAYMENT REQUESTS

Employees in Police Classification (C) will be compensated at the straight time rate except for Supervisory employees. Classification (D) employees will not be compensated for court time.

1018.2.9 SUBMITTING OF OVERTIME - NON-COURT

For approved non-court overtime, eligible employees will enter the overtime request in TeleStaff. A detail code of "Case Number" or "Sworn-No Case #" is required. Enter the case number or reason for the overtime in the note field. Non-court overtime involving a call-out or call-back will be compensated as a two hour minimum.

1018.2.10 CORRECTIONS OT OVERTIME ENTRIES

Should any supervisor or other authorized person find an error in calculation, etc. on an overtime request, he/she will make the necessary corrections in TeleStaff. The correction will be logged and visible to the employee.

1018.2.11 OUT OF TOWN SCHOOLS

Employees who are approved to attend schools or other departmental related out-of-town functions will be compensated for travel time. If the employees travel time coincides with their normal work schedule, the employee's supervisor should consider flexing the employees shift schedule to accommodate travel time.

1018.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., three hours for Court, two hours for callback overtime). The supervisor will approve the actual time worked.

1018.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	1/4 hour
16 to 30 minutes	1/2 hour
31 to 45 minutes	3/4 hour
46 to 60 minutes	1 hour

1018.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

OUTSIDE EMPLOYMENT "MOONLIGHTING"

1019.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1019.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

To obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid for 12 months beginning July 1st of each year. Any employee seeking to renew a permit shall submit a new Outside Employment Application prior to July 1st of each year.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1019.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

Bakersfield Police Department

Bakersfield PD Policy Manual

OUTSIDE EMPLOYMENT "MOONLIGHTING"

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1019.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient
- (e) Taxis; card rooms; ambulance services; tow services; alarm services; pawn shops; and second hand dealers; repossession; collection agencies; bars and establishments where alcohol is served

1019.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary

Bakersfield Police Department

Bakersfield PD Policy Manual

OUTSIDE EMPLOYMENT "MOONLIGHTING"

employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the departmental uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1019.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1019.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1019.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

OUTSIDE EMPLOYMENT "MOONLIGHTING"

1019.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest pursuant to Government Code § 3308. Prior to providing written approval for an outside employment position, the Department may request that an officer provide his or her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his or her personal financial records for review/audit. If the employee elects not to provide the requested records, his or her off-duty work permit may be revoked pursuant to Policy Manual § 1040.2.2(c).

1019.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall not engage in outside employment.

If the employee engages in outside employment while on disability or light duty, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

When the disabled member returns to full duty with the Bakersfield Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

WORK-RELATED INJURY AND ILLNESS REPORTING

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of work-related injuries and illnesses.

1020.2 POLICY

The Bakersfield Police Department will address work-related injuries and illnesses appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1020.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and illnesses requiring medical care must be reported using a Supervisor Accident Investigation Form and an Employee's Claim for Workers' Compensation Benefits Form (DWC-1). The Employee's Claim for Workers' Compensation Benefits Form (DWC-1) shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Copies of these forms will be forwarded to the Field Services Secretary to complete a State of California Form 5020 Employers' Report of Occupational Injury or illness. All three forms will be forwarded to Risk Management.

When an employee is injured the supervisor will notify Risk Management of the injury and send the employee for medical treatment through the City's Medical Provider Network for the workers' compensation system. Risk Management will authorize initial medical treatment during normal business hours.

If treatment is needed on the weekend, or after hours, the supervisor may contact one of the occupational clinics in the City's Medical Provider Network. A list of the occupational clinics is available on the Risk Management Intranet site, under Risk Management Documents; City of Bakersfield Primary Treating Physicians.

1020.2.2 INJURY DEFINED

A work-related injury is any incident where an employee suffers a medical condition or need for medical treatment due to an exposure or incident at work.

1020.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical within 24 hours to his/her supervisor, or the Watch Commander if outside employee's normal working hours.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Bakersfield Police Department

Bakersfield PD Policy Manual

WORK-RELATED INJURY AND ILLNESS REPORTING

Any employee sustaining a work-related injury or illness that requires relief from duty is required to provide medical certification from a physician regarding current disability status to his/her supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to light duty, modified duty, and temporary assignments (Temporary Assignments Policy).

An employee who has suffered a work-related injury or illness shall report as soon as practical to his/her immediate supervisor the injury and the extent and duration of any work restrictions, if they are known. In addition, such employees are required to promptly submit all medical certification, whether partial or full releases, to their supervisor. For further on employee responsibilities, refer to Temporary Assignments Policy.

1020.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury or illness or accident shall promptly prepare a Supervisor Accident Investigation Report, and if appropriate, the Employee's Claim for Works' Compensation Benefits Form (DWC-1).

When an accident, injury, or illness is reported initially on the Supervisor's Accident Investigation Report and the employee subsequently requires medical care, the State of California Employer's Report of Occupational Injury or Illness form 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.

Copies of any reports documenting the accident or injury should be forwarded through the employee's chain of command. Once approved, reports shall be routed to the Field Services Secretary.

1020.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Accident Investigation Report as "First Aid Only".

This form shall be signed by the employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention at a later time.

1020.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of a third party, for which the employee, the City, and/or other insurers may be entitled to recovery. To ensure that the City's interests are protected, the following procedure is to be followed:

Bakersfield Police Department

Bakersfield PD Policy Manual

WORK-RELATED INJURY AND ILLNESS REPORTING

1020.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall report this contact to the City's Risk Management Division as soon as possible.

1020.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing any settlement of any third party claim arising out of or related to an on-duty injury, the employee shall provide the City's Risk Management Division with written notice of the proposed settlement. In no case shall the employee accept a settlement without first providing such notice to the City's Risk Management Division. The purpose of such notice is to permit the City to determine if the offered settlement will affect any claim the City may have regarding payment for damage(s) to property, equipment, or reimbursement for workers' compensation benefits paid by the City, against the person who caused the accident or injury and to protect the City's subrogation rights.

PERSONAL APPEARANCE STANDARDS

1021.1 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.

1021.2 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.

1021.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1021.2.2 MUSTACHES AND BEARDS

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1021.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1021.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee. Any member of the department can submit a request for a medical or religious exemption to be permitted to grow a beard. Any personnel requesting the medical or religious exemption will submit the request to their Division Commander. The approval will be provided by the Division Commander with any requirements or conditions for approval for the beard.

1021.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

PERSONAL APPEARANCE STANDARDS

1021.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1021.2.7 GLASSES AND SUNGLASSES

Glasses and sunglasses shall be of a conservative style and not detract from having a professional appearance.

1021.2.8 COSMETICS

Any cosmetics worn shall be subdued and blended to match the natural skin color of the individual.

False eyelashes are prohibited.

NEPOTISM AND CONFLICTING RELATIONSHIPS

1022.1 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.

1022.1.1 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.

1022.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Bakersfield Police Department

Bakersfield PD Policy Manual

NEPOTISM AND CONFLICTING RELATIONSHIPS

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1022.2.1 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

NEPOTISM AND CONFLICTING RELATIONSHIPS

1022.2.2 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

1023.1 PURPOSE AND SCOPE

The Bakersfield Police Department badge and uniform patch as well as the likeness of these items and the name of the Bakersfield Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1023.2 POLICY

The Bakersfield Police Department badge is a symbol of authority. It shall only be issued for use and display by the following members while on duty or otherwise acting in an official or authorized capacity:

- Sworn Officers
- Reserve Police Officers
- Police Service Technicians
- Animal Control Officers
- Lab Technicians
- Cadets

1023.2.1 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) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy (Bakersfield PD Policy Manual 700).
- (b) **An honorably retired** officer with 20 years or more may keep his/her flat badge with approval from the Chief of Police. The Department will gift an honorably retired officer with a flat badge which correctly indicates the retired officer's current status as, "Retired [rank to be inserted]".
- (c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1023.2.2 PROFESSIONAL STAFF

Badges and departmental identification cards issued to professional staff shall be clearly marked to reflect the title/classification of the assigned employee (e.g. Police Service Technician, Records Clerk, Parking Control, Dispatcher and so on).

- (a) Professional Staff 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.

DEPARTMENT BADGES

- (b) Professional Staff 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.

1023.2.3 BADGE DISPOSITION

With approval from the Chief of Police, honorably retired employees with 20 or more years of service may retain their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

In circumstances where an employee is not eligible or does not formally request to keep his/her duty badge, the employee must relinquish all duty uniform and/or flat badges to the Department.

The Chief of Police, or his designee, will maintain records of the disposition of all Department badges. These dispositions will serve as the historical record of badges that were issued, gifted, lost, stolen, or otherwise destroyed.

1023.3 UNAUTHORIZED USE

Department badges are issued to all sworn employees, uniformed professional staff and Cadets for official use only. (Retiree badges are issued by the Department to honorably retired sworn employees as memorabilia and are not meant for the purpose of identification.) 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.

1023.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) 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 Bakersfield Police Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

EMPLOYEE SPEECH, EXPRESSION AND SOCIAL NETWORKING

1024.1 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.

1024.1.1 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.

1024.2 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 Bakersfield Police Department will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1024.3 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 Bakersfield Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates.

Bakersfield Police Department

Bakersfield PD Policy Manual

EMPLOYEE SPEECH, EXPRESSION AND SOCIAL NETWORKING

Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1024.4 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 officers' 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 Bakersfield Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Bakersfield Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Bakersfield Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the department. For example, a statement on a blog that provides specific details as to how and when prisoner transportation 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 Bakersfield Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the department for financial or personal gain, or any disclosure of such materials without the express authorization of the Bakersfield Police Department 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,

Bakersfield Police Department

Bakersfield PD Policy Manual

EMPLOYEE SPEECH, EXPRESSION AND SOCIAL NETWORKING

marked vehicles, equipment or other material that specifically identifies the Bakersfield Police Department on any personal or social networking or other website or web page, without the express authorization of the Bakersfield Police Department.

- (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).

1024.4.1 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 officers' associations, employees may not represent the Bakersfield Police Department or identify themselves in any way that could be reasonably perceived as representing the Bakersfield Police Department in order to do any of the following, unless specifically authorized by the Bakersfield Police Department (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 officers' 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 Bakersfield Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officers' 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

Bakersfield Police Department

Bakersfield PD Policy Manual

EMPLOYEE SPEECH, EXPRESSION AND SOCIAL NETWORKING

indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1024.5 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).

TATTOOS, PIERCINGS, BODY MODIFICATIONS

1025.1 PURPOSE AND SCOPE

Compassion, accountability, and professionalism are foundational values of the Bakersfield Police Department. The Bakersfield Police Department has a responsibility to ensure all on-duty employees adhere to personal appearance standards supporting an image that conveys these values. A professional image encourages community confidence while promoting a sense of pride among the organization.

This policy establishes specific guidelines for the display of tattoos/body art/piercings/body modifications for the members of this department. It places accountability for compliance not only upon each employee, but also upon their supervisors, and commanding officers.

1025.2 DEFINITIONS

1025.2.1 TATTOO/BODY ART

A picture, design, or marking made on the skin or other areas of the body by staining or injecting it with an indelible dye, or by any other methods including pictures designs or markings only detectable or visible under certain conditions (as in an ultraviolet light or invisible ink tattoo). The term tattoo, brand, and body art are interchangeable for the purpose of this policy.

1025.3 APPLICATION

Tattoos prohibited or required to be concealed:

- A. The following tattoos, body-art, and brands are prejudicial to good order and are prohibited for all employees, regardless of visibility:
 1. Extremist Tattoos - affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate hatred or intolerance based on race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, economic status, age or disability; advocate create, or engage in illegal discrimination based on race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, economic status, age or disability; or advocate violence or other unlawful means of depriving individuals rights infer the U.S. Constitution, and Federal or State law.
 2. Indecent Tattoos - depicting nudity or are offensive to modesty, decency, propriety, or professionalism.
 3. Sexist Tattoos - advocating a philosophy that degrades or demeans a person or group of people based on gender, perceived gender, or gender identity.
 4. Racist Tattoos - advocating a philosophy that degrades or demeans a person or group of people based on race, ethnicity, or national origin.

Bakersfield Police Department

Bakersfield PD Policy Manual

TATTOOS, PIERCINGS, BODY MODIFICATIONS

- B. Officers are prohibited from having tattoos on any part of the hands, neck, face, head, eyelids, mouth, and/or ears with the following exceptions:
 - 1. Tattoo of a ring, symbol, or initial on a ring finger that symbolizes the commitment between two people.
 - 2. Conservative permanent facial make-up on the eyebrows, eyeliner, and lips.
 - 3. Any hand tattoos that are not otherwise prohibited, which an employee had prior to the implementation of this policy on 5/1/2021.
- C. Any tattoos, body-art, and/or brand that implies a negative bias toward any group will cause the employee to be subject to disciplinary action, up to and including, termination.
- D. The department reserves the right to require employees to conceal their tattoos, body-art, and/or brands if deemed necessary to comport with evolving community standards, attitudes, or beliefs. This policy and its exceptions do not grant permanent approval to display any tattoos, body-art, and/or brand subsequently deemed unacceptable for display. Employees may be required to cover any tattoos, body-art, and/or brands at any time.
- E. The following tattoos, body-art, and/or brands must be concealed in accordance with this policy while on-duty, whether in uniform or civilian attire:
 - 1. Symbols or markings likely to elicit a strong negative reaction in the workplace or public or that are inconsistent with the department's values or community relations objectives, including but not limited to symbols, words, or markings that promote or are associated with the promotion of violence.
 - 2. Anything contrary to the purpose of the law enforcement, including, but not limited to depictions symbolizing or indicative of alcohol or narcotics, illegal or gang-related activity, or symbols suggestive of activity that undermines the purpose of law enforcement.
 - 3. Illustrations, references, symbols, acronyms or the like that denigrate the United States, State of California, or the Bakersfield Police Department.
 - 4. Symbols or markings that represent political beliefs, political parties, political slogans, or that cast any political group in a negative light.

1025.4 AUTHORIZATION FOR VISIBLE TATTOO/BODY ART

- A. Prospective Employees

Bakersfield Police Department

Bakersfield PD Policy Manual

TATTOOS, PIERCINGS, BODY MODIFICATIONS

1. Employment packages will include the information on all tattoos, body-art, and/or brands of the applicant to ensure the applicant does not have any tattoos, body-art, and/or brands art prohibited by this policy at the time of hiring.

2. The Training and Logistics Commander or Chief of Police will make the final determination as to whether an applicant's tattoos, body-art, and/or brands comply with this policy.

B. Current Employees

1. A memo addressed to the Chief of Police must be authored by every employee of this department requesting to display their visible tattoos, body-art, and/or brands while in uniform or on-duty. The employee must provide a description and photos of all visible tattoos, body-art, and/or brands.

2. An updated memo and photo must be submitted upon adding new visible tattoos, body-art, and/or brands.

C. Tattoos that must be concealed under this policy must always be kept entirely from view by the authorized uniform or plainclothes when an employee represents the department on-duty.

D. If, when considering a new tattoo, an employee has concerns about compliance with this policy, the employee may submit the design to the Chief of Police or his/her designee before getting the tattoo, body-art, and/or brand.

E. The Chief of Police or his/her designee shall make the final determination as to whether tattoos, body-art, and/or brands conform to this policy.

1025.5 BODY MODIFICATION, SCARIFICATION, MUTILATION, OR PIERCING DEFINITIONS

Pierced - Is defined as having a hole cut/punctured through the skin.

Piercing - Refers to the act or practice of body piercing, or to a specific pierced opening in the body.

Body piercing - Refers to the piercing of a part of the human body for the purpose of wearing jewelry in the opening created.

Body mutilation, scarring or modification - Is referred to as any kind of unnecessary procedure that deliberately changes the body for aesthetic or personal reasons, but especially certain forms of body art such as piercing(s), stretching, scarification, mutilating and tattooing.

- Body modification, scarification, or mutilation which is visible while on duty is prohibited.

Except as previously noted in this and the Personal Appearance Standards policy, no ornaments, body jewelry, appliances, etc., shall be worn in any pierced body part while on duty. Any part of

Bakersfield Police Department

Bakersfield PD Policy Manual

TATTOOS, PIERCINGS, BODY MODIFICATIONS

the body including, but not limited to, the face, nose, eyebrows, tongue, lips, chin or cheeks; which is pierced and visible, while on duty, is prohibited.

Many of the above regulations require the exercise of discretion and judgment by employees and management. The Chief of Police shall have final authority and judgment on all matters affected by this policy and may grant waivers solely at his/her discretion.

1025.5.1 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

1025.6 EXEMPTIONS

Members who seek cultural 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.

TEMPORARY ASSIGNMENTS

1026.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City of Bakersfield rules and regulations, current memorandums of understanding or collective bargaining agreements. For example, this policy does not affect the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1026.2 DEFINITIONS

Light Duty- For the purposes of this policy, light duty is defined as when an employee is injured on or off-duty, and the employer accommodates the employee to work in a capacity defined by the restrictions set forth by the treating physician. The employee will typically be assigned administrative duties within the Department, outside of their normal duties, but within the scope of their job description, at the discretion of the Chief of Police or his/her designee.

Modified Duty- For the purposes of this policy, the Bakersfield Police Department defines modified duty as when an employee is involved in an incident or event in the normal course of their duties (not related to an injury or illness) and the employee is given a temporary assignment within the Police Department. The assignment may be outside of their normal duties, but within the scope of their job description. Modified duty will be assigned at the discretion of the Chief of Police or his/her designee.

Temporary Assignment- For the purposes of this policy, the Bakersfield Police Department defines temporary assignments as limited-term assignments for full-time employees designed to support the Department's operational needs. Temporary assignments are typically used to accommodate employee injury/illness or modified duty needs. All temporary assignments are made at the discretion of the Chief of Police or his/her designee.

1026.3 POLICY

Subject to operational considerations, the Bakersfield Police Department may identify temporary work assignments for employees who have an injury or medical condition resulting in temporary limitations or restrictions, or who are involved in an event during the normal course of duty that is not related to an injury or illness which requires an employee to be placed in an alternate assignment. A temporary assignment allows injured/ill or duty-modified employee to continue to work and provides the Department with meaningful work to accomplish its mission. Medical documentation is required for any request for a temporary assignment involving injury, illness or other temporary medical condition.

Bakersfield Police Department

Bakersfield PD Policy Manual

TEMPORARY ASSIGNMENTS

1026.4 GENERAL CONSIDERATIONS

Priority consideration for temporary assignments will be given to employees with work/non-work-related injuries or illnesses that are temporary. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work/non-work-related injury.

No position in the Bakersfield Police Department shall be created or maintained as an indefinite temporary assignment.

Temporary assignments are a management-driven initiative to assist employees. They are not an employee right. The availability of temporary assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a temporary assignment effectively.

The Chief of Police, or the authorized designee, may restrict employees working in temporary assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary assignments shall generally not exceed a cumulative total of 180 days in any one year period and may be ended at any time. Employees who continue to be accommodated in a temporary assignment in excess of 180 days will subject to a reassessment.

There is no legal requirement for the Department to offer light duty assignments. If the Department has identified a light duty assignment and ordered the employee to report for duty in that assignment in a capacity compliant with medical restrictions, the employee is required to report for duty. Failure to do so may result in discontinuation of pay and benefits, and/or discipline.

1026.5 PROCEDURE

Employees may request a temporary assignment for short-term injuries or illnesses or those employees involved in an event during the normal course of duty that is not related to an injury or illness which requires an employee to be placed in an alternate assignment. Employees seeking a temporary assignment should submit a request to their Division Commander or authorized designees. If the request involves an injury or medical condition, medical certification is required from the treating medical professional containing:

- (a) A certification and probable duration of the illness or injury.
- (b) The nature and scope of limitations and/ or work restrictions.
- (c) A statement regarding any required workplace accommodations, mobility aids, or medical devices.

The Division Commander will make a recommendation through the chain of command to the Chief of Police, or his/her designee, regarding temporary assignments that may be available based on

Bakersfield Police Department

Bakersfield PD Policy Manual

TEMPORARY ASSIGNMENTS

the operational needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with Human Resource (non-work-related illness/injury) or Risk Management (work-related illness/injury), as appropriate.

1026.5.1 ALTERNATE DUTY SCHEDULES

When a temporary assignment is approved, the Department may alter or modify duty days and hours to meet the operational needs of the Department. Duty schedule changes will be made at the discretion of the Division Commander or his/her authorized designee.

1026.5.2 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to regular duty status, a fitness-for-duty examination of any employee assigned to a temporary assignment. Such examinations shall be at the expense of the Department.

Prior to returning to regular duty status, employees shall be required to provide medical certification from their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment with or without restriction or limitation.

The employee shall provide medical certification to the Field Services Division support staff for review and approval by the Division Commander.

1026.5.3 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to a temporary assignment shall include, but not be limited to:

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit medical certification for each visit to their treating health care provider to substantiate the continued temporary assignment. They shall immediately notify their supervisor of any change in restrictions or limitations. An employee assigned to a temporary assignment must maintain a current and continuous medical certification of their medical condition. Failure to maintain a current medical certification may result in a disruption of benefits or unauthorized absences.
- (c) Employees must adhere to the restrictions as prescribed by their treating physician. Any request by the Department and/or the employee to work outside of those restrictions must be certified by the treating physician in advance..
- (d) Employees assigned to a temporary assignment are not exempt from appearing for all scheduled court appearances as required in accordance with Department policy.
- (e) Employees assigned to temporary assignments will report to any assigned training in accordance with Department policy. It is the employee's responsibility to notify

Bakersfield Police Department

Bakersfield PD Policy Manual

TEMPORARY ASSIGNMENTS

their supervisor if assigned training may conflict with medical limitations or restrictions provided by the treating physician.

- (f) Employees assigned a temporary assignment for light duty shall not carry a firearm visible to the public, wear a uniform, or utilize a City-owned vehicle. Employees on modified duty may, at the discretion of the Chief of Police, carry visible firearms, wear uniforms, and/or operate department vehicles.
- (g) Employees assigned to temporary assignments shall wear business-appropriate attire, unless their medical condition prohibits or interferes with the attire. Exceptions will require prior approval from the Division Commander.
- (h) Employees working in a temporary assignment are not restricted from working overtime/collateral assignments, as long as such assignments do not impact their restrictions or limitations and prior approval is received by the Division Commander.
- (i) Employees assigned to a temporary assignment are generally able to participate in recruitment and training activities, barring any medical restrictions. For individual questions, scenarios or accommodations contact the Human Resources Department.

1026.5.4 SUPERVISOR RESPONSIBILITIES

Responsibilities of supervisors shall include, but not be limited to:

- (a) The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to a temporary assignment and coordinate efforts to ensure proper time accountability. In the event an employee's schedule or supervisor changes as part of the temporary assignment, the new supervisor shall complete a movement form indicating the new assignment and/or schedule.
- (b) Periodically apprising the Division Commander of the status and performance of employees assigned to a temporary assignment, along with employee's ability to perform the temporary assignment.
- (c) Ensuring that the required documentation facilitating a return to full-duty is received from the employee prior to reassignment to normal work. The supervisor will notify the appropriate Division Commander(s) of the status change. The assigned supervisor will complete a movement form upon verification the employee may return to normal work by the appropriate chain of command.
- (d) Ensuring that employees returning to regular duty have completed any required training and certifications to resume normal work.

1026.6 PROBATIONARY EMPLOYEES

Probationary periods are defined by the City Charter and Rules and Regulations of the applicable Civil Service Board. Temporary assignments may preclude qualification during the probation period or not qualify as demonstrated time in performance of actual duties. Consult Human Resources on questions or potential impacts.

Bakersfield Police Department

Bakersfield PD Policy Manual

TEMPORARY ASSIGNMENTS

1026.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary assignments shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary assignments shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Wellness Program

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness. The wellness program currently consists of three separate groups: Peer Support, the Physical Fitness Team, and Chaplains.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.
- City of Bakersfield EAP
- City of Bakersfield Human Resources Homepage

1028.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – For the purpose of this policy, a critical incident is defined as an event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life. Note that this clinical definition refers solely to wellness related policies, and should not be confused with other definitions of Critical Incidents found in the Department policy manual related to incidents triggering a specific Investigations protocol (OIS, Officer Involved Fatal Traffic Collisions, In-custody Deaths, etc).

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1028.2 POLICY

It is the policy of the Bakersfield Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

Wellness Program

1028.3 WELLNESS COORDINATOR

The Bakersfield Police Department will assign a Wellness Coordinator to oversee all components of the Wellness Program. The Wellness Coordinator will report directly to the Quality Assurance Unit Lieutenant. The coordinator should collaborate with and seek input from Command Staff, as well as with advisors (e.g., Department of Human Resources, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 - 2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
 - 1. Peer support member selection and retention.
 - 2. Training and applicable certification requirements.
 - 3. Deployment.
 - 4. Managing potential conflicts between peer support members and those seeking service.
 - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 - 1. Defining the types of incidents that may initiate debriefings.
 - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 - 1. Obtaining a written description of the program services.
 - 2. Providing for the methods to obtain program services.

Wellness Program

3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

1028.4 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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 should only include peer support members and those directly involved in the incident.

1028.5 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program). Refer to the Peer Support Program Policy for further details on confidentiality and anonymity.

1028.6 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program with the Physical Fitness Team. The Physical Team is comprised of volunteer employees dedicated to supporting the physical fitness needs of all employees. These responsibilities can include, but are not limited to:

- (a) Overseeing team volunteers.
- (b) Establishing times and locations for physical fitness activities
- (c) Providing assistance on the acceptable use of department-provided physical fitness facilities and equipment
- (d) Attending specialized training to provide basic individual health screening and fitness assessment
- (e) Attending specialized training to provide basic individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting

Wellness Program

- (f) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (g) Ongoing support and evaluation

1028.7 WELLNESS PROGRAM REPORTING

At least annually, the coordinator or the authorized designee should author a report on the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1028.8 TRAINING

The coordinator or the authorized designee should collaborate with the Training and Logistics Division Lieutenant to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training and Logistics Division Lieutenant as appropriate for inclusion in training records.

Attachments

BPD PDSA and Settlement Agreement 10.1.20.pdf

TODAY'S DATE

EMPLOYEE FIRST AND LAST NAME
ADDRESS
CITY, CA ZIP

Re: Internal Affairs Case #

Dear TITLE and EMPLOYEE NAME,

The purpose of this letter is to advise you that you are a subject employee in an administrative investigation regarding an incident that occurred on INSERT DATE in which you allegedly DESCRIBE ALLEGATION. This matter has been authorized for a Pre-Disposition Settlement Agreement (PDSA).

A PDSA is an alternative to a full investigation and may be authorized under specific conditions for some policy violations. It is an option that may be utilized when the subject employee does not dispute the allegations in the complaint, accepts full responsibility for his/her misconduct and wishes to have the matter resolved in a relatively prompt manner. Matters that, if sustained, could result in termination or demotion are ineligible for a PDSA.

You have the right to refuse the PDSA and have the matter fully investigated and adjudicated pursuant to BPD Policy 340 or BPD Policy 1020 as applicable. You have the right to consult with an attorney or a representative prior to making any decisions regarding the PDSA offer. The representative shall not be a person subject to, or involved in the investigation. The fact that a PDSA has been authorized in this matter does not obligate you to pursue a PDSA. The fact that that a PDSA has been authorized in this matter does not obligate you to pursue a PDSA, nor will it be used against you should you decline to move forward with this process.

If you decide to pursue a PDSA, you will be required to complete the following

1. Contact INSERT NAME AND PHONE & EMAIL OF CONTACT PERSON before INSERT DATE & TIME 5 DAYS AFTER SERVICE OF THIS LETTER to schedule a PDSA meeting to be held at a mutually convenient time.
 - a. You have the right to bring an attorney or other representative with you to the PDSA meeting and to have that person present during the meeting. This representative shall not be a person subject to, or involved in this investigation.
 - b. You have the right to audio record the PDSA meeting and to have a copy of the agency-accomplished audio recording.
 - c. You will be afforded all applicable rights as a subject employee in compliance with Government Code, Sections 3300-3311, commonly known as the Public Safety Officers Procedural Bill of Rights as applicable.
2. Complete a signed memorandum of responsibility. The memorandum must clearly acknowledge personal responsibility for the misconduct or policy violation alleged in the complaint and must include a statement that outlines how you will go about ensuring the errant behavior will not be repeated. The memorandum may be prepared prior to the PDSA meeting, but it must be completed and approved before the PDSA document will be signed.

The PDSA meeting will be attended by you, your attorney or representative if you choose, and your division commander. Your division commander will verbally inform you of the proposed discipline. You will be afforded the opportunity to discuss the proposed discipline with your commander, but you will not be interrogated concerning the incident under investigation.

You will be afforded up to 72 hours to privately discuss the proposed discipline, and the associated documentation, with your attorney or representative. If you agree to the proposed discipline, you will be required to submit a memorandum of responsibility to be approved by your division commander. Upon approving your memorandum, you and your division commander will sign the PDSA document and agree

to abide by all its conditions. Once you sign the document, the agreed-upon discipline will be administered. Your responsibility memorandum will be included with the case file and retained by the Internal Affairs Unit consistent with City and Police Department policies.

You have the right to abort the PDSA process at any time prior to signing the PDSA document. If you choose to abort the PDSA process, the matter will be returned to the Internal Affairs Detail for investigation and adjudication pursuant to BPD Policy 340 and BPD Policy 1020 as applicable.

A copy of the complaint made against you and INSERT DESCRIPTION OF ANY ADDITIONAL DOCUMENTS is/are attached to this letter.

I am ordering you not to disclose or discuss the details of this investigation, or any information provided to you regarding this investigation, with anyone except your attorney or representative

Thank you for your cooperation in this matter.

Sincerely,
Greg Terry
Chief of Police

By: XXXXXX, Commander
 XXXXXX Division

By my signature below, I acknowledge receipt of this document and I understand that a copy will be placed into my personnel file.

Received By (signature)

Date/Time

Served By (signature)

Date/Time

(DATE)

SETTLEMENT AGREEMENT

PRELIMINARY STATEMENT

This Agreement is entered into between the Bakersfield Police Department (hereinafter referred to as "Police Department") and SUBJECT EMPLOYEE NAME & IDENTIFICATION NUMBER (hereinafter referred to as "EMPLOYEE NAME").

RECITALS

The Police Department and EMPLOYEE NAME are interested parties in a dispute and desire to settle any and all matters involving Internal Affairs Investigation Case No. 00000000 pertaining to EMPLOYEE NAME'S BRIEF DESCRIPTION OF VIOLATION/MISCONDUCT. Both parties desire to avoid litigation and any and all administrative process upon the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Police Department and EMPLOYEE NAME for, and in consideration of, the mutual covenants herein, agree as follows:

1. The Police Department, upon execution of this Settlement Agreement, will issue EMPLOYEE NAME a written reprimand that contains the violation of Police Department Policy INSERT POLICY SECTION/S AND DESCRIPTION. A copy of that written reprimand is attached to this Settlement Agreement. EMPLOYEE NAME accepts the reprimand and understands that a copy will be placed in his/her personnel file.

Or

The Police Department, upon execution of this Settlement Agreement, will suspend EMPLOYEE NAME from his/her position of INSERT POSITION OR RANK, ie. Police Officer for the City of Bakersfield for a period of INSERT SUSPENSION PERIOD, i.e. three (3) eight hour days. Further EMPLOYEE NAME will not be allowed to work additional hours during the pay period of the suspension and will not represent HIMSELF/HERSELF in any official capacity as an employee of the Police Department during the suspension.

INSERT NAME OF EMPLOYEE'S DIVISION COMMANDER will determine the actual dates of the suspension, which must be served within thirty (30) calendar days of INSERT TODAY'S DATE. INSERT NAME OF ASSISTANT CHIEF's authorization is required to extend the thirty-day time frame.

2. Both parties further agree and understand that EMPLOYEE NAME personnel records will reflect that a WRITTEN REPRIMAND/3 DAY SUSPENSION, ETC. was issued and may be used for the purposes of demonstrating progressive discipline.

3. EMPLOYEE NAME agrees to waive any and all future administrative and/or judicial remedies with respect to this matter and Internal Affairs Unit Case 00000000. This waiver shall include, but not be limited to, appeals to the Police Chief, City Manager and/or the Police Department Civil Service Commission.

4. EMPLOYEE NAME acknowledges and agrees that he/she has been provided the opportunity to consult with a labor representative and/or attorney regarding the terms and conditions of this Settlement Agreement.

5. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes for purpose of establishing past precedent or past employment practices of the Department.

This Settlement Agreement resolves the specific issues arising from the matter involving EMPLOYEE NAME and the Police Department regarding IA CASE #_____ only and is not applicable to any other facts or disputes involving other officers even if the same are the same or similar to the facts and circumstances of the situation addressed in this Agreement. However, despite the existence of this Agreement, the fact that EMPLOYEE NAME has accepted discipline under the terms of this Agreement can be used in the sole and absolute discretion of the Department for purposes of progressive disciplinary action should the Employee become involved in any future conduct which warrants disciplinary action.

6. In consideration of the terms and conditions set forth herein, EMPLOYEE NAME agrees to fully release, acquit, and forever discharge the City of Bakersfield, and all present and former officers, employees and agents of the City of Bakersfield and their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the City of Bakersfield and EMPLOYEE NAME, concerning the subject matter referred to herein. Additionally, EMPLOYEE NAME specifically acknowledges that he/she has not been the subject of discrimination in any form, including, but not limited to, discrimination, retaliation or harassment based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, sexual orientation or gender, and that he/she has no claim against the Police Department and/or City of Bakersfield for any such discrimination, whether any such claim is presently known or not known by him/her.

7. Each party hereto represents and agrees that he/she or it has carefully read and fully understands all of the provisions of the Settlement Agreement and that he/she or it is voluntarily, without any duress or undue influence on the part of, or on behalf of, any party entering into this Settlement Agreement.

8. This Settlement Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Settlement Agreement, including signatures, shall be deemed to constitute evidence of the Settlement Agreement having been executed.

9. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.

10. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

I have read the foregoing Pre-Disposition Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

EMPLOYEE NAME, BADGE #

Date

For the Police Department:

DIVISION COMMANDER'S NAME
XXXX Division

Date

332 mups_reference_chart.pdf



California Department of Justice Missing and Unidentified Persons Section

Reporting Reference Chart

All local police and sheriffs' departments shall accept any report of a missing person (MP) without delay, per Penal Code (PC) § 14211(a). Additional requirements /guidelines are below. As you read the chart from left to right, report types are listed by age group, and note the applicable code section: PC, Education Code (EC), or federal statute (U.S.C.).

Required Action MP Age	“Be On the Look-Out” Bulletin	Initial Entry into the DOJ Missing Person System (MPS)	MP Report Forwarded to Appropriate Jurisdiction	Initial Coroner Check	MP Report with Photograph and X-rays Submitted to DOJ ²	Written Notice Submitted to School	DNA - Advise Family of Right to Submit Sample ³	Validate and Update MPS Record
At Risk ¹ (Any Age)	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	If a child, within 10 Days <i>EC § 49068.6</i>	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days <i>NCIC Guidelines</i>
Ages 0 to 15	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Within 10 Days <i>EC § 49068.6</i>	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days <i>NCIC Guidelines</i>
Ages 16 to 17	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Within 10 Days <i>EC § 49068.6</i>	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days <i>NCIC Guidelines</i>
Ages 18 to 20	Without Delay <i>PC § 14211(d)</i>	Within 2 Hours <i>PC § 14211(e)</i>	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Not Applicable	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days <i>NCIC Guidelines</i>
Ages 21 and over	Law Enforcement Discretion	Without Unreasonable Delay	Within 24 Hours <i>PC § 14211(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Recommended Within 30 days <i>PC § 14212(g)</i>	Not Applicable	Within 30 Days <i>PC § 14250(c)(2)</i>	Within 60 days <i>NCIC Guidelines</i>

¹ Per PC § 14215(b), “at risk” means there is evidence of, or there are indications of, any of the following: (1) is a victim of a crime or foul play, (2) is in need of medical attention, (3) has no pattern of running away or disappearing, (4) may be the victim of a parental abduction, or (5) is mentally impaired.

² Per Health & Safety Code § 102870, the DOJ shall act as a repository for dental examination records of missing and unidentified person and will compare the records for the purposes of identification.

³ Per PC § 14250(a)(4), for the purpose of DNA collection, a high-risk missing person is anyone missing as a result of a stranger abduction, suspicious circumstances, unknown circumstances, there is reason to assume the person is in danger or deceased, and that the person has been missing for more than 30 days or less in the discretion of the investigating agency.

Employee Eval Master Form NF.pdf

CITY OF BAKERSFIELD
BAKERSFIELD POLICE DEPARTMENT
EMPLOYEE PERFORMANCE EVALUATION

Salary Change ☐
Regular ☐
Separation ☐
Special ☐
Probation ☐

Rating Period (date from – to):

NAME (Last)		(First)		(Middle)	
RANK			EMPLOYEE NUMBER		
DIVISION			DUTY ASSIGNMENT		
		BELOW STANDARD		MEETS STANDARD	
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
(1) ATTENDANCE: The extent to which the employee comes to work daily and conforms to work hours.		Lax in attendance. At times has to be reminded about observing work hours. Sometimes takes extended breaks and/or lunch periods. Occasionally quits the job too early.		Always punctual to work except for good cause. Observes working hours at all times.	
An extremely dedicated employee. Is punctual in reporting to work, works overtime and responds to call-outs without complaint.					
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
(2) PERSONAL APPEARANCE: The employee's ability to maintain a standard of personal appearance and neatness in keeping with the demands of their position.		Frequently has been found to be inappropriately or untidily dressed. General appearance, including dress and personal neatness is not up to standard.		Is presentable in appearance and meets the acceptable standard of dress.	
Consistently presents a very professional appearance. Sets an example for others and brings credit to the department.					
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
(3) PHYSICAL FITNESS: The employee's physical condition, level of endurance, and ability to react to a physically demanding situation.		Does not maintain an acceptable level of physical fitness for job duties.		Maintains an acceptable level of physical fitness for job duties.	
Is in excellent physical condition and is capable of reacting to any physical challenge called upon for current job duties.					

	BELOW STANDARD	MEETS STANDARD	EXCEEDS STANDARD
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(4) SAFETY SKILLS: The extent to which the employee practices safety techniques in both routine and emergency situations while attending to job duties	Frequently demonstrates poor safety techniques. Requires close supervision.	Generally demonstrates good safety techniques and procedures.	Consistently demonstrates exceptional safety techniques. Is outstanding in this capacity.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(5) COMPLIANCE WITH RULES AND REGULATIONS: The extent to which the employee adheres to the policies and procedures of this department.	Occasionally in violation of policies and procedures. Requires close supervision.	Generally adheres to the rules and regulations of the department.	Employee always in adherence with policies. Has excellent knowledge of same, and attempts to improve his/her knowledge of department rules.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(6) JOB ATTITUDE AND INTEREST: The level of interest in the job is shown by the employee. The ability to accept criticism and suggestions, and willingness to improve basic job knowledge.	Attitude needs improvement. Tends to be disinterested in work. Some difficulty with criticism and corrections. Does minimum required to get by.	Job attitude is favorable and satisfies all job requirements. Seems to be interested in the job. Accepts criticism and suggestions readily. Has shown interest in increasing job knowledge and is cooperative.	Extraordinary degree of enthusiasm and job interest. Works extremely hard at improving job skills. Recognizes weak points and actively tries to improve them.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(7) QUALITY OF WORK: The extent to which the employee completes work in a thorough, neat, accurate and effective manner.	Work product frequently reflects a lack of consideration for the factors of thoroughness, neatness and accuracy. An undue amount of review is necessary.	Work is completed in an acceptable manner. Generally considers the need for neatness, accuracy and thoroughness.	Work product is exceptional. Sets an example for others in completion of work in a very accurate, neat, thorough and effective manner.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			

	BELOW STANDARD	MEETS STANDARD	EXCEEDS STANDARD
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(8) QUANTITY OF WORK: Amount of work employee performs. Extent employee adheres to time restrictions and deadlines. Consider consistency of output.	Output of work does not meet the job requirements. Does not take performance seriously enough which results in not meeting deadlines or accomplishing tasks in a timely manner.	Amount of output satisfies all job requirements. Completes assignments and tasks in a timely manner. Is consistent in all his/her work; a steady employee.	The amount of output exceeds the requirements of the job. Work is often completed ahead of deadlines. Is an example to other employees.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(9) COOPERATIVENESS: The extent to which the employee is a team player and is willing to assist others to get the job done and promote harmony and good relations.	Frequently has to be urged to assist others. Inability or lack of desire to be a team player lowers effectiveness. Frequently in conflict with others. Does not promote harmony in the workplace.	Participates as a team player. Behavior generally promotes harmony and good relationships.	Shows an exceptional interest in getting team results. Is self-sacrificing in efforts to help others get the job completed. Behavior consistently promotes harmony and good relationships.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(10) JUDGMENT: The extent to which the employee considers all available facts before acting, and is logical in conclusions and actions.	Does not always consider available facts, resulting in some illogical conclusions. Supervisors tend to question and review decisions.	Gives adequate consideration to all known facts before taking action. Decisions are generally accepted.	Decisions are sound and reflect thorough consideration of all known facts. Is often sought out by others for advice and guidance.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(11) ORAL EXPRESSION: The extent which the employee orally communicates in a clear, precise and convincing manner.	Exhibits difficulties in self-expression. Frequently is unable to communicate clearly and precisely.	Is able to communicate in an acceptable manner.	Projects an outstanding ability to express clear, precise and convincing thought in a group or individual setting.

	BELOW STANDARD	MEETS STANDARD	EXCEEDS STANDARD
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(12) WRITTEN EXPRESSION: The extent to which employee can clearly, concisely and accurately communicate in writing.	Frequently has difficulty with written expression. Needs improvement in basic language and writing skills.	Is able to accurately and concisely communicate in written form.	Consistently demonstrates outstanding writing skills and ability. Written work can be used as an example for others.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(13) JOB KNOWLEDGE AND WORKING WITH MINIMUM SUPERVISION: Extent to which the employee knows the job assigned, and how to perform the duties of his/her position.	Lacks necessary job knowledge; can only accomplish simple tasks without assistance; needs close supervision. Has shown little effort or desire to improve.	Knowledge satisfies job requirements; can handle most tasks and assignments without assistance. Applies knowledge practically and attempts to improve job knowledge. Needs minimum supervision.	Consistently demonstrates outstanding knowledge of the job, and is able to apply same in practical manner. Makes determined effort to improve this knowledge. Performs in exemplary manner with little, if any supervision.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(14) COURTESY: The extent to which the employee is polite, respectful, tactful, considerate and dignified to the public, co-workers and others.	Tends to be rude and abrupt at times; can be courteous to others; however, is not consistent in this regard.	Treats others with respect and generally displays a courteous attitude.	Makes an overt effort to be courteous. Demeanor commands the highest degree of respect and serves as a standard of excellence.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(15) INITIATIVE: Extent to which the employee displays the motivation necessary to produce without urging.	Requires an inordinate amount of specific direction and supervision to accomplish duties of the assignment. Lacks motivation and the desire to take initiative.	Displays an acceptable level of drive and energy. Only requires routine guidance and direction.	Is highly motivated and requires very little stimulation. Actively pursues every opportunity to increase productivity. Serves as an outstanding example for fellow workers, superiors and others.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			

	BELOW STANDARD	MEETS STANDARD	EXCEEDS STANDARD
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(16) LEADERSHIP: The extent to which the employee is able to accept the responsibility of leadership. Has the ability to organize, control and guide others.	Leadership ability is below standard for current job duties.	Leadership ability is acceptable for current job duties.	Exceeds standards for current job duties. Has the ability to organize, plan, control and guide others very effectively. Consistently gains the confidence of and inspires others.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(17) STABILITY: The extent to which the employee displays poise and controls emotions in routine or adverse situations.	Frequently loses control of situations. Cannot be relied upon to maintain self-control and poise. Has difficulty handling stressful situations.	Is emotionally well balanced. Shows good self-control and poise and can be relied upon to perform under pressure.	Sets an example of poise and self-control. Is exceptionally well balanced and acts in a manner which promotes stability in others.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(18) CARE OF EQUIPMENT The extent to which the employee cares for and maintains department property and equipment.	Is careless and inconsistent in the care and operation of equipment. Requires close supervision. Fails to report damaged equipment.	Makes a reasonable effort to ensure proper operation and maintenance of equipment.	Demonstrates through self-initiated effort, a high degree of care and concern for all equipment. Ensures against loss or damage by initiating needed maintenance or repair.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			
(19) ADAPTABILITY: The extent to which the employee accepts new concepts and performs in new work situations.	Has some difficulty performing in new situations or grasping new ideas. Must be continually guided and urged to deal with change.	Can accept new ideas and work situations with little difficulty. Requires only routine guidance and supervision.	Above standard performance in new situations and able to quickly grasp new ideas and help others in this area. Often looks for areas of potential improvement to self-initiate change.
<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>			

(24) ADDITIONAL INFORMATION:

CAREER DEVELOPMENT CONSULTATION (PLEASE INITIAL) **ACCEPTED**_____ **DECLINED**_____

The career Development Consultation is voluntary and not considered an area of evaluation. This is for employee development only.

Pre-Evaluation Questionnaire **Provided**_____ **Returned**_____

Signatures and Approvals:

Rater	_____	_____	_____
	Print Name	Signature	Date
Reviewer	_____	_____	
	Signature	Date	
Department Head or Designee	_____	_____	
	Signature	Date	

EMPLOYEE CERTIFICATION

I have discussed this report with a supervisor, and understand that signing this evaluation does not necessarily imply agreement.

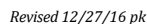
_____	_____
Signature	Date

I request an appointment to discuss this evaluation with my department head or designee.

_____	_____
Signature	Date

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**

BPD Retiree_CCW Waiver 4.28.20.pdf



Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <small>(e.g., non-profit, private, public school)</small> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
BIAS	<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo <input type="checkbox"/> Known to victim	

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>	
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<u>Resources offered at scene:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____		

MEDICAL	<u>Victim</u>	<u>Suspect</u>	<u>Paramedics at scene?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____ Patient #: _____	

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Call Out Chart 3.30.16.pdf

Bakersfield Police Department Emergency Call-Out Response Chart

Red (Sworn Personnel A-D)	<i>West Command & Staging Center</i>	<i>West Sub</i>
Blue (Sworn Personnel E-K)	<i>East Command & Staging Center</i>	<i>10-19 East</i>
Yellow (Sworn Personnel L-P)	<i>East Command & Staging Center</i>	<i>10-19 East</i>
Green (Sworn Personnel Q-Z)	<i>South Command & Staging Center</i>	<i>South Satellite</i>
Orange (Animal Control)	<i>South Command & Staging Center</i>	<i>South Satellite</i>
White (All Non-Sworn Staff - CC, PST, CSU, CRS)	<i>East Command & Staging Center</i>	<i>10-19 East</i>
Black (Westside Sub Non-Sworn Staff)	<i>West Command & Staging Center</i>	<i>West Sub</i>
<i>Training Staff</i>	<i>East Command & Staging Center</i>	<i>10-19 East</i>
<i>Command Staff</i>	<i>East Command & Staging Center</i>	<i>10-19 East</i>
<i>Special Assignment Personnel (SWAT, CDT, SEU, Bomb, K-9)</i>	<i>Special Operations Command & Staging Center</i>	<i>Range</i>
<i>On-Call Duty Captain</i>	<i>East Command & Staging Center</i>	<i>10-19 East</i>
<i>On-Call Investigations Commander</i>	<i>West Command & Staging Center</i>	<i>South Satellite</i>
<i>On-Call Investigations Sergeant</i>	<i>East Command & Staging Center</i>	<i>10-19 East</i>
<i>On-Call Investigations Detectives</i>	<i>East Command & Staging Center</i>	<i>10-19 East</i>
<i>On-Call Administration Commander</i>	<i>South Command & Staging Center</i>	<i>West Sub</i>
<i>On-Call Administration Detective</i>	<i>West Command & Staging Center</i>	<i>West Sub</i>
<i>On-Call SWAT Commander</i>	<i>Special Operations Command & Staging Center</i>	<i>Range</i>

Bakersfield PD Policy Manual

Bakersfield PD Policy Manual

INDEX / TOPICS

A

ALCOHOL	623
ALCOHOL USE	623
ARRESTS	
First amendment assemblies	415, 417

B

BODY ARMOR	
Suspects.	107
BODY CAVITY SEARCH	577
BOOKING SEARCH	577
BRADY MATERIAL	520

C

CHIEF EXECUTIVE	20
CODE-3	127

D

DAMAGE BY CITY PERSONNEL	191
DEFINITIONS	22
DOMESTIC VIOLENCE	
Reporting of Employee Convictions.	621
DRUG USE	623

E

EVALUATION	616
----------------------	-----

G

GRIEVANCE PROCEDURE	619
-------------------------------	-----

H

HOSTAGES	
NEGOTIATIONS.	300

I

INVESTIGATION AND PROSECUTION	470
---	-----

K

KINETIC PROJECTILES	87
-------------------------------	----

M

MANDATORY APPEARANCE	199
MISSING PERSON	
at-risk.	426

O

OUTSIDE EMPLOYMENT	
Obtaining Approval.	655

P

PAT DOWN SEARCH	577
POLICY MANUAL	22
POLITICAL ACTIVITY	671
PROPERTY PROCEDURES	
Property Release.	548

R

RECORDS BUREAU	
Impaired driving.	462

S

SAFETY	
Shotguns.	107
SAFETY EQUIPMENT	
First amendment assemblies.	415
STRIP SEARCH	577

T

TERMINATE A PURSUIT	118
TRAINING	
Firearms.	112
Impaired driving.	463
TRAINING POLICY	42