Foreword

The document that follows is representative of the combined efforts of the many subject matter experts from this organization who have looked at our former general orders, case law, best practices and current laws as well as emerging trends and technology to determine a set of general orders that will best allow for the performance of our duties in the most ethical and professional manner. There is no substitute for the good judgment of the members of this Department, and no set of guidelines that can anticipate every situation in which an Officer will find themselves. This is a document that will continue to evolve, both as laws and case law change as well as after input is received from our personnel. Read this manual carefully and learn it well; you are responsible for knowing its contents as well as contributing your expertise to make this document better in order to assist in the continual forward movement of this agency.

Doug Davis, Chief of Police
Law Enforcement Code of Ethics

As a Law Enforcement Officer, my fundamental duty is to serve all persons; 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 people 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 to my chosen profession... law enforcement.
MISSION STATEMENT

Hillsborough is a unique community benefiting from many of the world’s cultures. The Police Department demonstrates a unique ability to give specialized service while at the same time being totally committed to law enforcement. Hillsborough Police personnel take great pride in their ability to protect and serve the Town of Hillsborough while respecting its citizens’ privacy and dignity with minimal intrusion. With the understanding that Hillsborough is a strictly residential community, the Police Department is dedicated to ensuring the function and safety of necessary, lawful commercial and charitable enterprises required by the residents. The Hillsborough Police Department values the contributions and commitments of its employees. Therefore, we encourage an environment which emphasizes:

• Personal and Professional Development
• Sharing and Teamwork
• Group Decision Making

All this enables the employees to have a sense of control over the direction of the Department and a clear understanding of the organization’s expectations.
Hillsborough Police Department

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Chapter 1 - Law Enforcement Role and Authority
Law Enforcement Authority

100.1 PURPOSE AND SCOPE
Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement 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

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

102.11 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.
Oath of Office

104.1 PURPOSE AND SCOPE
Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.11 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

106.1 PURPOSE AND SCOPE
The manual of the Hillsborough 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.

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

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

106.22 STAFF
Staff shall consist of the following:

• Chief of Police
• The Captain from each division

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

106.23 OTHER PERSONNEL
All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander who will consider the recommendation and forward to staff.

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL
The purpose of this section is to provide examples of abbreviations and definitions used in this manual.
106.31 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

• Departmental Directives may be abbreviated as “DD”
• Policy Manual sections may be abbreviated as “Section 106.X” or “§ 106.X”

106.32 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 - Shall mean any person 18 years of age or older
CHP - Shall refer to the California Highway Patrol
Town - Shall mean the Town of Hillsborough
Department/HPD - Shall mean the Hillsborough Police Department
DMV - Shall mean the Department of Motor Vehicles
Employee/Personnel - Shall apply to any person employed by the Department
Juvenile - Shall mean any person under the age of 18 years
Manual - Shall refer to the Hillsborough Police Department Policy Manual
Member - Term applied to all persons who are employed by the Police Department and shall include sworn officers and non-sworn employees. This includes reserve officers and volunteers.
Officer/Sworn - Applies to those employees, regardless of rank, who are sworn employees of the Hillsborough Police Department.
On-Duty - Employee status during the period when he/she is actually engaged in the performance of his or her assigned duties
Order - An instruction either written or verbal issued by a superior
POST - Shall mean the California Commission on Peace Officer Standards and Training
Rank - Shall mean the title of the classification held by an officer
Shall - Indicates a mandatory action
Should (or may) - Indicates a permissive or discretionary action

106.33 DISTRIBUTION OF MANUAL
Copies of the Policy Manual shall be distributed to the following:

• Chief of Police
• Captains
• Lieutenant
• Sergeants’ Office
• Corporals’ Office
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.

106.4 MANUAL ACCEPTANCE
As a condition of employment, all employees are required to read and obtain necessary clarification of this department’s policies. All employees 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.

106.41 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 Administrative Captain will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Each unit commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

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

200.2 DIVISIONS
The Chief of Police is responsible for administering and managing the Hillsborough Police Department. There are two divisions in the Police Department as follows:

- Administration Division
- Patrol & Investigations Division

200.21 ADMINISTRATION DIVISION
The Administration Division commanded by a Captain whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of the Code Enforcement Officer, Police Service Technicians and Administrative Services.

200.22 PATROL & INVESTIGATIONS DIVISION
The Patrol and Investigations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Patrol and Investigation Division. The Patrol and Investigations Division consists of the Inspectors’ Bureau, under command of the Lieutenant, Patrol Teams, SWAT, and K9 Unit.
Departmental Directive

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

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

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number “01” For example, 08-01 signifies the first Departmental Directive for the year 2008.

204.2 RESPONSIBILITIES

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

204.22 CHIEF OF POLICE
The Chief of Police shall issue all Departmental Directives.
Disaster Plan

206.1 PURPOSE AND SCOPE
The Town has prepared an Emergency Management Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

206.2 ACTIVATING THE EMERGENCY PLAN
The Emergency Management Plan can be activated in a number of ways. For the Police Department, the Chief of Police or the highest ranking official on duty may activate the Emergency Management Plan in response to a major emergency.

206.3 LOCATION OF MANUALS
The manual for the employees is available in the Dispatch Center and the Watch Commander’s office. Additionally, a copy of the disaster plan shall be available electronically in the U drive. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.
Training Policy

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

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

208.3 OBJECTIVES
The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public
(b) Increase the technical expertise and overall effectiveness of our personnel
(c) Provide for continued professional development of department personnel

208.4 TRAINING PLAN
A training plan will be developed and maintained by the Lieutenant. It is the responsibility of the 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

208.5 TRAINING NEEDS ASSESSMENT
The Training Section 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.
Electronic Mail

212.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper use and application of electronic mail (e-mail) by employees of this department. E-mail 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 e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

212.2 E-MAIL RIGHT OF PRIVACY
All e-mail messages transmitted over the computer network are considered Department records and, therefore, are the property of the Department. The Department reserves the right to access, audit, and disclose for whatever reason, all messages transmitted over its e-mail system or placed into its storage.

The e-mail system is not a confidential system since all communications transmitted on the system are the property of the Department. Therefore, the e-mail 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 e-mail. Employees using the Department’s e-mail system shall have no expectation of privacy concerning communications in the system.

212.3 PROHIBITED USE OF E-MAIL
Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the e-mail system is prohibited and will not be tolerated.

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users. 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 prevent the misuse of an individual’s e-mail, name and/or password by others.

212.4 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. Users of e-mail are solely responsible for the management of their mailboxes. 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 Communications

214.1 PURPOSE AND SCOPE
Administrative communications of this department are governed by the following policies.

214.2 PERSONNEL ACTION FORM
Personnel Action Form may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

214.3 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 should use Department letterhead only for official business and with approval of their supervisor.

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

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

216.2 MINIMUM STAFFING LEVELS
Minimum staffing levels should result in the scheduling of at least two officers on duty whenever possible. Watch Commanders will ensure that at least one officer is deployed during each watch, in addition to the Watch Commander.

216.21 SUPERVISION DEPLOYMENTS
In order to accommodate training and other unforeseen circumstances, an officer who is designated as an acting corporal may be used as field supervisors in place of a sergeant or corporal.

With prior authorization from the Patrol & Investigations Division Commander, an officer may act as the Watch Commander for a limited period of time.
Concealed Weapon License

218.1 PURPOSE AND SCOPE
The Chief of Police is given the statutory discretion to issue a license to carry a concealed firearm to residents within the community. This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 12050.2, this policy shall be made accessible to the public.

218.11 APPLICATION OF POLICY
Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Sheriff to process all applications and licenses for the carrying of concealed weapons (§ 12050(g)).

218.12 SAN MATEO COUNTY POLICE CHIEFS AND SHERIFFS’ ASSOCIATION POLICY
Pursuant to the memorandum of understanding, the Hillsborough Police Department will process all CCW applications in accordance with the San Mateo County Police Chiefs and Sheriffs Association guidelines.

218.2 QUALIFIED APPLICANTS
In order to apply for a license to carry a concealed weapon, the applicant must meet the following requirements:

(a) Be a resident of the Town of Hillsborough.
(b) Be at least 21 years of age.
(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 concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted.
(e) Be of good moral character.
(f) Show good cause for the issuance of the license.
(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 and registration of any weapon to be licensed for concealment.
(i) Provide at least three letters of character reference.
(j) Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon.
(k) Complete required training.
Concealed Weapon License

218.3 APPLICATION PROCESS
The application process for a license to carry a concealed weapon 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.

218.31 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)
(a) Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License Application to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 12051 (b) & (c)).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination.

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the Department of Justice for the required application fee along with a separate check made payable to the Town of Hillsborough for a nonrefundable 20 percent of the application fee to cover the cost of processing.

1. The application fee does not include any additional fees required for fingerprints, training or psychological testing.

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 § 12050 (a)(1)(C)).

(c) The applicant shall be required to submit two (2) full sets of fingerprints, one will be retained by the Department and the other will be submitted to the Department of Justice (DOJ) for a complete criminal background check. Two recent passport size photos (two inches by two inches) of the applicant shall be submitted for department use. Fingerprint and photograph fees will be collected in addition to the application fees. No person determined to fall within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.

(d) The applicant shall submit at least three signed letters of character reference from individuals other than relatives.

(e) The applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment.

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 ninety (90) days of the initial application or within 30 days after receipt of the applicant’s criminal background check from the Department of Justice, whichever is later (Penal Code § 12052.5).

218.32 PHASE TWO
This phase is to be completed only by those applicants successfully completing phase one.
Concealed Weapon License

(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.

(b) The applicant may be required to provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. (NOTE: All costs associated with this requirement shall be paid by the applicant.) Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.

(c) The Chief of Police may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine the applicant’s suitability for carrying a concealed weapon. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. This testing is not intended to certify the applicant is psychologically fit to carry a weapon. It is instead intended to determine whether an applicant has any outward indications or history of psychological problems that might render him/her unfit to carry a concealed weapon. If it is determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.

(d) The applicant shall complete a 16 hour course of training approved by the agency minimally including firearms safety and the laws regarding the permissible use of a firearm.

(e) The applicant shall submit any weapon to be considered for a license to the Rangemaster or other departmentally authorized gunsmith for a full safety inspection. The Chief of Police reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer’s specifications.

(f) The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by the department’s Rangemaster or provide proof of successful completion of another departmentally 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 concealed weapon 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 Department of Justice, whichever is later. (Penal Code § 12052.5).

218.4 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON

The authority to issue a limited business license to carry a concealed weapon 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 § 12050(a)(2)(ii)). 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:
Concealed Weapon License

(a) The applicant physically spends a substantial period of working hours in the applicant’s principal place of employment or business within the Town of Hillsborough.

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance.

(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides.

(d) Any application for renewal or re-issuance 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.

218.5 ISSUED CONCEALED WEAPONS PERMITS

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

(a) The license will not be valid outside the state of California;

(b) 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 concealed firearm.
   1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 12050(c)).
   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.

(c) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of weapon, 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.

(d) The license will be valid for a period not to exceed two years from the date of issuance.
   1. A license issued to 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.

(e) The licensee shall notify this department in writing within ten days of any change of place of residency. If the licensee moves out of the county of issuance, the license shall expire ninety (90) days after the licensee has moved.

218.51 LICENSE RESTRICTIONS

(a) The Chief of Police may place special restrictions limiting time, place and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:
   1. Consuming any alcoholic beverage while armed
Concealed Weapon License

2. Falsely representing him or herself as a peace officer
3. Unjustified or unreasonable displaying of a weapon
4. Committing any crime
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 weapon for inspection upon demand of any peace officer

(b) The Chief of Police reserves the right to inspect any license or licensed weapon at any time.
(c) Any ammunition carried in a weapon licensed to be carried concealed, shall be inspected and approved by the department’s Rangemaster or armorer. The carrying of any other ammunition in a licensed weapon shall be grounds for revocation.
(d) The alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

218.52 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 accomplish one or more of the following:

(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

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(s). 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.

218.53 REVOCAION 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) If the licensee has violated any of the restrictions or conditions placed upon the license
(b) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon
(c) If the licensee is determined to be within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103
(d) If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license
(e) If the licensee establishes residency outside the Hillsborough

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.
Concealed Weapon License

If any license is revoked, the Department will immediately notify the licensee and the Department of Justice pursuant to Penal Code § 12053.

218.54 LICENSE RENEWAL

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

(a) Verifying all information submitted in the original application under penalty of perjury
(b) Taking an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm
(c) Submitting any weapon to be considered for a license renewal to the department’s Rangemaster for a full safety inspection. The renewal applicant shall also successfully complete a firearms safety and proficiency examination with the weapon to be license renewal, to be administered by the Rangemaster, including completion of all releases and other forms
(d) Payment of a non-refundable renewal application fee

Once the Chief of Police or authorized designee has verified the successful completion of renewal process, the renewal of the license to carry a concealed weapon 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 DOJ, whichever is later (Penal Code § 12052.5).

218.6 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 12053, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the Department of Justice:

(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 concealed weapons issued to reserve peace officers and judges.

218.7 CONFIDENTIAL RECORDS

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

Any information in any application or license which tends to indicate 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)).
Retired Officer CCW Endorsements

220.1  PURPOSE AND SCOPE
The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired officers of this department.

220.2  QUALIFIED RETIREES
Any full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of their employment shall be issued an identification card with a “CCW Approved” endorsement upon honorable retirement (Penal Code § 12027(a)(1)(D)).

(a) For the purpose of this policy, “honorably retired” includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, 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 12027.1(b)(3)(e)).

220.3  MAINTAINING A CCW ENDORSEMENT
In order to maintain a “CCW Approved” endorsement on an identification card, the retired officer shall:

(a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer’s expense. Upon verification by this department that all annual requirements have been met by an otherwise qualified retired officer, the “CCW Approved” endorsement shall be re-stamped and dated (18 United States Code 926C).

(b) Remain subject to all department rules and policies as well as all federal, state and local laws (Penal Code § 12027.1(a)(2)).

(c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

220.4  CARRYING FIREARMS OUT OF STATE
Subject to 18 United States Code 926C and Policy Manual § 312.8, qualified retired officers of this department may be authorized to carry a concealed weapon in other states.

220.5  IDENTIFICATION CARD FORMAT
The identification card issued to any qualified and honorably retired officer shall be two inches by three inches and minimally contain the following (Penal Code § 12027(a)(1)(D)):

(a) Photograph of the retiree.

(b) Retiree’s name and date of birth.

(c) Date of retirement.

(d) Name and address of this department.

(e) A stamped endorsement “CCW Approved” along with the date by which the endorsement must be renewed (not more than one year). In the case in which a
CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege”.

220.6 DENIAL OR REVOCATION OF CCW ENDORSEMENT

The CCW endorsement for any officer retired from this department may be denied or revoked only upon a showing of good cause. Good cause, if challenged, shall be determined in the following manner:

(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 (Penal Code § 12027.1(b)(3)).

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree’s last known address (Penal Code § 12027.1(b)(2)).

1. The retiree shall have 15 days from the Department’s verification of service to file a written request for a hearing.

2. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) If timely requested, the hearing for the denial or revocation of any CCW endorsement shall be 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 § 12027.1(d)).

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”.
Chapter 3 - General Operations
Use of Force

300.1 PURPOSE AND SCOPE
This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with 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, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

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

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

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY
It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

300.21 USE OF FORCE TO EFFECT AN ARREST
Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the 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 of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Penal Code § 835(a)).
300.22 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

300.23 NON-DEADLY FORCE APPLICATIONS

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

300.24 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

(a) The potential for injury to the officer(s) or others if the technique is not used
(b) The potential risk of serious injury to the individual being controlled
(c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
(d) The nature of the offense involved
(e) The level of resistance of the individual(s) involved
Use of Force

(f) The need for prompt resolution of the situation

(g) If time permits (e.g., passive demonstrators), other reasonable alternatives

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

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.
Use of Force

300.41 Notification to Supervisors
Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

(a) The application of force appears to have caused physical injury
(b) The individual has expressed a complaint of pain
(c) Any application of a control device
(d) The individual has been rendered unconscious

300.42 Medical Attention for Injuries Sustained Using Force
Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring 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.

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

(a) Obtain the basic facts from the involved officer(s)
(b) Ensure that any injured parties are examined and treated
(c) Separately interview the subject(s) upon whom force was applied
(d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas
(e) Identify any witnesses not already included in related reports
(f) Review and approve all related reports

In the event that the supervisor believes that the incident may give rise to potential civil litigation, a separate memorandum should be completed and routed to appropriate channels.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

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

302.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a process to review the use of deadly force by employees of this department.

302.2 REVIEW BOARD
The Hillsborough Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

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

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

302.21 COMPOSITION OF THE BOARD
The Use of Deadly Force Review Board shall be comprised of the following persons:

- Patrol & Investigations Captain
- Administrative Captain
- Rangemaster

The senior ranking member not of the same division of the involved employee will serve as chairperson.

The chairperson will convene the Use of Deadly Force Review Board as necessary. It will be the responsibility of the division or unit commander of the involved employee(s) to notify the appropriate bureau commander of any incidents requiring board review. The division or unit commander will also ensure that all relevant reports, documents, and materials are available for consideration and review by the Board.

302.22 RESPONSIBILITIES OF THE BOARD
The Use of Deadly Force Review Board is empowered to conduct an administrative investigation into the circumstances of an incident. The Board membership may request further investigation, call persons to present information, and may request that the involved employees appear before the Board. The involved employees will be notified of the meeting of the Board and may be represented by legal counsel and/or other representation through all phases of the review process.

Absent an expressed waiver from the employee, no more than two members of the Board may ask questions of the involved employee.

If it appears that the actions of the employee(s) may result in criminal charges or disciplinary action by the Department, the Board will conduct the interviews in accordance with department disciplinary procedures. The Board does not have the authority to
recommend discipline. The Board shall make a finding and such finding will be limited to one of the following:

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

A finding will be the consensus of the Board. After the board has concluded, the board chairman will submit written findings of the board to the Chief of Police. After review by the Chief of Police, a copy of the findings will be forwarded to the involved employee’s Division Commander for review and appropriate action.

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

Once the Board has reached its specific finding, the Administrative Captain may convene the separate training committee to address training needs and recommendations for this department without specific reference to the facts of the incident considered by the Board.
Shooting Policy

304.1 PURPOSE AND SCOPE
The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Department’s and/or an officer’s civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

304.11 POLICY
It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

(a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to effect the arrest or prevent the escape of a suspected felon when the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.

(c) To stop a dangerous animal.
   1. In circumstances where officers encounter an unexpected dangerous animal or are surprised by an animal which reasonably appears to pose an imminent threat to the safety of officers or others, officers are authorized to use deadly force to neutralize such a threat.
   2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g., dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g., fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

(d) With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

(e) For target practice at an approved range.

Where feasible, a warning should be given before an officer resorts to deadly force as outlined (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.
304.12 WARNING SHOTS
Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

304.13 MOVING VEHICLES
Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

(a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.

(b) This is not intended to restrict an officer’s right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.

(c) Officers may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

304.14 REPORT OF WEAPON DISCHARGE
Except during training or recreational use, any member who discharges a weapon accidentally or intentionally, on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If on-duty at the time of the incident the member shall file a written report with his/her Division Commander prior to the end of shift and if off-duty, as directed by the supervisor but no later than the end of the next regularly scheduled shift.

If an animal is euthanized, pursuant to policy § 304.11, section e, generation of a CAD call documenting the circumstances, type of animal, type of firearm used and number of rounds fired, shall serve as appropriate documentation with Watch Commander approval.
Leg Restraint Device

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

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

306.3 AUTHORIZED RESTRAINT
The WRAP Restraint manufactured by Safe Restraints, Inc., Park City, Utah is the only restraint authorized by this department. Officers shall only use the WRAP Restraint restraint supplied by the Department.

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

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

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

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

306.41 MEDICAL CONSIDERATIONS
Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring 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.

306.5 PROCEDURE
The restraint device is designed to reduce the likelihood of injury to the restrained person or others, and to reduce the likelihood of property damage caused by the restrained person by preventing them from using his/her legs in a manner likely to result in injury or damage. The restraint will only be used to bind and immobilize a person’s legs. Only those officers
trained in the use of the restraint are authorized to employ it on any person. The following guidelines shall be used when applying the restraint device:

(a) If practical, officer(s) should notify a supervisor of the intent to apply the restraint. In all cases, a supervisor shall be notified as soon as practical after the application of the restraint.

(b) Once the person’s legs have been bound, the safety clip of the restraint may be attached to the chain of the handcuffs.

(c) Absent a medical emergency, the person being restrained shall remain restrained until the officer arrives at the jail or other facility or the person no longer poses a threat.

(d) Once secured, the suspect shall not be left unattended on his/her stomach for an extended period as this may potentially reduce the suspect’s ability to breathe.

(e) The suspect should be constantly watched by an officer while in the restraint. The officer is to ensure the suspect does not roll onto his/her stomach.

(f) The officer shall look for signs of labored breathing.

306.51 TRANSPORTING RESTRAINED SUSPECTS

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

(a) Restrained suspects may be transported in a patrol unit. They shall be seated in an upright position and secured by a seat belt. The long lead of the restraint will be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground. When the suspect cannot be transported in a seated position he/she shall be taken by ambulance/paramedic unit.

(b) When taken by ambulance/paramedic unit, the suspect shall be accompanied by an officer.

(c) Officers shall inform the jail staff that the arrestee was subjected to being restrained by use of a restraint device prior to arrival at the jail.

306.6 DOCUMENTATION

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

(a) The amount of time the suspect was restrained

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

(c) Observations of the suspect’s physical and physiological actions

(d) Any known or suspected drug use or other medical problems.
Control Devices and Techniques

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

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

308.12 REVIEW, INSPECTION AND APPROVAL
Every control device will be periodically inspected by the department Armorer or Rangemaster, or the designated instructor for a particular control device.

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

(b) Training for all control devices should occur every two years at a minimum.

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

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

308.2 BATON/ASP GUIDELINES
The baton/ASP is authorized for use when, based upon the circumstances perceived by the officer, lesser force would not reasonably appear to result in the safe control of the suspect.

308.3 TEAR GAS GUIDELINES
The use of tear gas for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, Incident Commander or SWAT Unit Commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time and determining that lesser force would not reasonably appear to result in the safe control of the suspect(s). When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only officers or supervisors trained in the use of tear gas weapons should discharge such devices at the scene.
Control Devices and Techniques

308.4 CHEMICAL AGENTS SPRAY GUIDELINES
Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

308.41 REQUIRED INSTRUCTION FOR USE
All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

308.42 CARRYING OF OLEORESIN CAPSICUM SPRAY
Uniformed field personnel carrying the oleoresin capsicum spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry the oleoresin capsicum spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

Canisters involved in any type of malfunction or damage shall be turned in to the Rangemaster for exchange. Damage to Town Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

308.43 TREATMENT FOR OC SPRAY EXPOSURE
Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

308.44 REPORT OF USE
All uses of chemical agents on a person shall be documented in the related arrest/crime report.

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

Kinetic energy projectiles are approved by the Department and are fired from 12 gauge shotguns or 37/40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

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

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

308.52 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT
Examples include, but are not limited to, the following types of situations where the subject:

(a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions
(b) Has made credible threats to harm himself or others
(c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers

308.53 DEPLOYMENT CONSIDERATIONS
Before discharging projectiles, the officer should consider the following factors:

(a) Severity of the crime or incident.
(b) Subject’s capability to pose an imminent threat to the safety of officers or others.
(c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
(d) The credibility of the subject’s threat as evaluated by the officers present, and physical capacity/capability.
(e) The proximity of weapons available to the subject.
(f) The officer’s versus the subject’s physical factors (e.g., age, size, relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s).
(g) The availability of other force options and their possible effectiveness.
(h) Distance and angle to target.
(i) Type of munitions employed.
(j) Type and thickness of subject’s clothing.
(k) The subject’s actions dictate the need for an immediate response and the use of control devices appears appropriate.

308.54 DEPLOYMENT DISTANCES
Officers should keep in mind the manufacturer’s recommendations regarding deployment when using control devices, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

308.55 SHOT PLACEMENT
The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted when deadly force is not reasonably justified.

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

308.56 APPROVED MUNITIONS
Only department approved kinetic energy munitions shall be carried and deployed.
Control Devices and Techniques

308.57 USE OF KINETIC ENERGY PROJECTILES BY SWAT
Officers assigned to the SWAT Team, who have completed a departmental training course may carry and employ 12 gauge or 37/40 mm projectiles while on duty or while performing Special Weapons and Tactics (SWAT) missions.

308.6 TRAINING REQUIRED FOR USE
Personnel who have successfully completed an approved departmental training course shall be authorized to use kinetic energy projectiles. Officers deploying kinetic energy projectiles will complete an annual recertification course.

308.7 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual § 300.4 and 300.5.
Taser™ Guidelines

309.1 PURPOSE AND SCOPE
When properly applied in accordance with this policy, the Taser™ device is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.2 POLICY
Personnel who have completed department approved training may be issued a Taser for use during their current assignment. Personnel leaving a particular assignment may be expected to return their issued device to the department’s inventory.

Officers shall only use Taser and cartridges that have been issued by the Department. The device may be carried either as a part of a uniformed officer’s equipment in an approved holster or secured in the driver’s compartment of the officer’s vehicle so that it is readily accessible at all times.

(a) When the Taser is carried as a part of a uniformed officer’s equipment, the Taser be carried on the side opposite from the duty weapon.

(b) All Tasers shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(c) Whenever practical, officers should carry a total of two or more Taser cartridges on their person at all times while carrying a Taser.

(d) Officers shall be responsible for insuring that their issued Taser is properly maintained and in good working order at all times.

(e) Officers should never hold both a firearm and the Taser at the same time unless lethal force is justified.

309.3 VERBAL AND VISUAL WARNINGS
Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the Taser shall precede the application of a Taser in order to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with warning that a Taser may be deployed.

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with an officer’s lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to display the electrical arc (provided there is not a cartridge loaded into the Taser) or laser in a further attempt to gain compliance prior to the application of the Taser. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.
309.4 USE OF THE TASER

As with any law enforcement equipment, the Taser has limitations and restrictions requiring consideration before its use. The Taser should only be used when its operator can safely approach the subject within the operational range of the Taser. Although the Taser rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use the Taser when circumstances known to the individual officer at the time indicate that the application of the Taser is reasonable to subdue or control:

(a) A violent or physically resisting subject, or
(b) A potentially violent or physically resisting subject if:
   1. The subject has verbally or physically demonstrated an intention to resist; and
   2. The officer has given the subject a verbal warning of the intended use of the Taser followed by a reasonable opportunity to voluntarily comply; and
   3. Other available options reasonably appear ineffective or would present a greater danger to the officer or subject.

(c) Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the Taser to any of the following individuals:
   1. Pregnant females.
   2. Elderly individuals or obvious juveniles.
   3. Individuals who are handcuffed or otherwise restrained.
   4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material.
   5. Passively resisting subjects.
   6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).

(d) Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of excited delirium (e.g. nudity, profuse sweating, irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the Taser until they can be examined by paramedics or other medical personnel.

(e) Because the application of the Taser in the Drive Stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited.

The Taser shall not be used to torture, psychologically torment or inflict undue pain on any individual.

309.41 MULTIPLE APPLICATIONS OF THE DEVICE

If, after a single application of the Taser, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider whether or not the probes or darts are making proper contact, or if the use of the Taser is limiting the ability of the individual to comply, or if other options or tactics may be more appropriate. This however, shall not preclude any officer from multiple, reasonable applications of the Taser on an individual.
309.42 REPORT OF USE
All Taser discharges shall be documented in the related arrest/crime report and on the Taser report form. Accidental discharges of a Taser cartridge will also be documented on the Taser report form. Any report documenting the discharge of a Taser cartridge will include the cartridge’s serial number and an explanation of the circumstances surrounding the discharge.

The on-board Taser memory will be downloaded through the dataport, and saved with the related arrest/crime report.

309.5 MEDICAL TREATMENT
Individuals who have been subjected to the electric discharge of a Taser and/or struck by Taser darts and who are also suspected of being under the influence of controlled substances and/or alcohol should also be examined by paramedics or other qualified medical personnel as soon as practicable. Any person who has been subjected to the electric discharge of a Taser and/or struck by Taser darts shall be medically cleared prior to booking. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, imperviousness to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should 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.

309.6 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 Training Manager.
Officer-Involved Shooting

310.1 PURPOSE AND SCOPE
To establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

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.

310.2 INVESTIGATION RESPONSIBILITY
This department conforms to the San Mateo County District Attorney Office OIS Protocol for investigating officer-involved shootings.

310.3 TYPES OF INVESTIGATIONS
Officer-involved shootings involve several separate investigations. The investigations may include:

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Division Commander

(b) A criminal investigation of the involved officer(s) conducted by an outside agency

(c) A civil investigation to determine potential liability conducted by the involved officer’s agency

(d) An administrative investigation conducted by the involved officer’s agency, to determine if there were any violations of department policy

310.4 JURISDICTION
Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

310.41 HILLSBOROUGH POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION
The Hillsborough Police Department is responsible for the criminal investigation of the suspect’s actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney’s Office.

310.42 ALLIED AGENCY’S OFFICER WITHIN THIS JURISDICTION
The Hillsborough Police Department is responsible for the criminal investigation of the suspect’s actions. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney’s Office. The officer’s employing agency will be responsible for any civil and/or administrative investigation(s).
310.43 HILLSBOROUGH POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Hillsborough Police Department will conduct timely civil and/or administrative investigations.

310.44 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

<table>
<thead>
<tr>
<th>HPD Officer in This Jurisdiction</th>
<th>Criminal Investigation of Suspect(s)</th>
<th>Criminal Investigation of Officer(s)</th>
<th>Civil Investigation</th>
<th>Administrative Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allied Agency's Officer in This Jurisdiction</td>
<td>HPD Investigators</td>
<td>District Attorney's Office</td>
<td>HPD Civil Liability Team</td>
<td>HPD Patrol Captain</td>
</tr>
<tr>
<td>HPD Officer in Another Jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Decision made by agency where incident occurred</td>
<td>HPD Civil Liability Team</td>
<td>HPD Patrol Captain</td>
</tr>
</tbody>
</table>

310.5 THE INVESTIGATION PROCESS

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

310.51 DUTIES OF INITIAL ON SCENE SUPERVISOR

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

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
   1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

(c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
   1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.

(e) Provide all available information to the Watch Commander and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.

(f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
Officer-Involved Shooting

(g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.

1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

2. When an officer’s weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

310.52 WATCH COMMANDER DUTIES

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

310.53 NOTIFICATIONS

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

- Chief of Police
- Patrol & Investigations Division Commander
- District Attorney OIS rollout team
- Psychological/Peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)

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

310.54 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, Patrol & Investigations 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 press 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 investigation.

310.55 INVOLVED OFFICERS

Once involved officer(s) have arrived at the station, the Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

(a) Any request for legal representation will be accommodated

(b) Discussions with licensed attorneys will be considered privileged as attorney client communications
Officer-Involved Shooting

(c) Discussions with departmental (e.g., association) representatives will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).

(d) A psychotherapist shall be provided by the Department to each involved officer, or any 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.

(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.

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

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

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.61 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Inspectors’ Bureau supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Inspectors will be assigned to work with investigators from the District Attorney’s Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney’s Office.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

310.62 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the District Attorney’s Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to "partner" with investigators from the District Attorney’s Office so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Patrol Captain 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.

310.63 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activity by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

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

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Patrol Captain and will be considered a confidential peace officer personnel file.

(a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g)).

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
Hillsborough Police Department

Officer-Involved Shooting

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer(s) physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i))

3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview) Government Code § 3303(g)

4. The officer shall be informed of all constitutional "Miranda" rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Lybarger or Garrity admonishment).

5. The administrative interview shall be considered part of the officer’s confidential personnel file.

6. The Patrol Captain shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy .

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

310.71 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.
Firearms

312.1 PURPOSE AND SCOPE
This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

312.2 AUTHORIZED WEAPONS
No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

The following weapons are approved for use by officers of this department:

HK USP duty pistols, other pistols as authorized by the Chief of Police, off-duty pistols and revolvers, Remington 870 shotguns, AR 15 pattern rifles, Remington 700 precision rifles and US M14 rifles.

312.21 DUTY WEAPONS
The authorized departmental issued handgun is the Heckler & Koch USP .45 ACP.

The following additional handguns are approved for on-duty use:

- Heckler & Koch USP Series and Variants

Other pistols approved and examined by the Rangemaster may be worn for administrative, plainclothes assignments, or other situations with the approval of the Chief of Police after qualification on the appropriate duty course.

312.22 AUTHORIZED SECONDARY WEAPONS
Officers desiring to carry a secondary weapon are subject to the following restrictions:

(a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.)
(b) Only one secondary weapon may be carried at a time
(c) The purchase of the weapon shall be the responsibility of the officer
(d) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control
(e) The weapon shall be subject to inspection whenever deemed necessary
(f) Ammunition shall be the same as Department issue. If the caliber of the weapon is other than Department issue, the Chief of Police shall approve ammunition
(g) Personnel shall qualify with the secondary weapon under range supervision. Officers must demonstrate their proficiency, safe handling and serviceability of the weapon.
(h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second weapon to the Rangemaster
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312.23 AUTHORIZED OFF-DUTY WEAPONS

The carrying of firearms by sworn officers while off duty is permitted by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn officers who choose to carry a firearm while off duty will be required to meet the following guidelines:

(a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).

(b) The purchase of the weapon and ammunition shall be the responsibility of the officer.

(c) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

(d) It will be the responsibility of the officer to submit the weapon to the Rangemaster for inspection prior to being carried off-duty. The Rangemaster shall assure that the officer is proficient in handling and firing that weapon and it will be carried in a safe manner. The weapon shall be subject to inspection whenever deemed necessary. The officer will successfully qualify with the weapon prior to its being carried and thereafter annually. The range qualification dates will be specified by the Rangemaster.

(e) A complete description of the weapon(s) shall be contained on the qualification record approved by the Rangemaster.

(f) If any member desires to own more than one weapon utilized while off duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each weapon used.

(g) Ammunition should be of good quality and manufactured by a departmentally approved company as suggested by the Rangemaster.

(h) When armed, whether on or off duty, officers shall carry their badge and department identification.

312.24 AMMUNITION

Officers shall carry only department-authorized ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed in accordance with established policy.

312.25 ALCOHOL & DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer’s senses or judgment.

312.26 LASER SIGHTS

Laser sights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Rangemaster.

(a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.

(b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.
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Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

312.3 SAFE HANDLING OF FIREARMS
The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.31 SAFETY CONSIDERATIONS
(a) Officers shall not unnecessarily display or handle any firearm.
(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.
(c) Any member who discharges his/her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with their Division Commander prior to the end of shift. If off-duty, as directed by the supervisor.
(d) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
(e) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
(f) Officers 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 a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.
(g) Officers shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), except with approval of a supervisor.
(h) Any weapon authorized by the department to be carried on or off duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster, will be immediately removed from service. If the weapon is the officer’s primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.

312.32 STORAGE OF FIREARMS AT HOME
Officers shall ensure that all firearms and ammunition are locked and secured while in their homes in a manner that will keep them inaccessible to children and irresponsible adults.

Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 12035.

312.4 FIREARMS QUALIFICATIONS
All sworn personnel are required to qualify four times per year on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Administrative Captain. In addition to regular
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qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

312.41 NON QUALIFICATION
If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

(a) Additional range assignments may be required until consistent weapon proficiency is demonstrated
(b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained
(c) No range credit will be given for the following
   1. Unauthorized range make-up
   2. Failure to qualify after remedial training

312.5 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 Administrative Captain after each range date. Failure of any officer 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 weapons carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

312.6 MAINTENANCE AND REPAIR
Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

312.61 REPAIR OR MODIFICATIONS OF DUTY WEAPONS
The Rangemaster shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department approved gunsmith.
Any repairs or modifications to the officer’s personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster.

**312.7 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 personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.217):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Officers must carry their Department identification card and California driver’s license. Additionally, officer(s) when requested, must present their Identification to airline officials when requested.

(c) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer(s). The letter must outline the officer’s necessity to fly armed, must detail his/her itinerary, and should include that the officer(s) has completed the mandatory TSA training for law enforcement officer(s) flying while armed.

(d) Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the department appointed instructor.

(e) It is the officer’s responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier’s check-in counter.

(f) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. Officers 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.

(g) Officers should not surrender their firearm to but try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.

(h) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

**312.8 CARRYING FIREARMS OUT OF STATE**

Pursuant to 18 United States Code 926B, full time sworn officers and qualified retired officers (See: Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions:

(a) The officer shall carry his/her Department identification whenever carrying such weapon.

(b) The officer will remain subject to this and all other Department policies (including qualifying and training) and may not be 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) Officers are cautioned that individual states may still restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks.

**312.9 OUT OF STATE PEACE OFFICERS IN CALIFORNIA**

Pursuant to 18 United States Code 926C, any full-time or retired out-of-state peace officer is authorized to carry a concealed firearm in California subject to the following conditions:
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(a) The officer shall have in his/her possession a photographic identification from the issuing law enforcement agency which indicates that the officer has met the state’s training and qualification standards within not less than one year prior to the date of issuance.

(b) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(c) Out-of-state peace officers are not authorized to carry a concealed firearm into government buildings or areas otherwise expressly restricted by state or local law.
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314.1 PURPOSE AND SCOPE
Pursuits of suspected or known violators of the law expose innocent citizens, law enforcement officers and fleeing violators to serious injury or death. The primary purpose of this policy is to provide officers guidance in balancing the safety of the public and themselves against law enforcement’s duty to apprehend violators of the law. Another purpose of this policy is to reduce and minimize the potential for pursuit related accidents. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

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

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

314.11 VEHICLE PURSUIT DEFINED
A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer’s signal to stop.

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

314.21 WHEN TO INITIATE A PURSUIT
Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

Officers shall not initiate a pursuit solely for a minor vehicle code violation or a violation of Vehicle Code § 10851.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:
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(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
(c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
(d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
(f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
(i) Vehicle speeds.
(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
(k) Availability of other resources such as helicopter assistance.
(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner(s) in the police vehicle.

314.22 WHEN TO TERMINATE A PURSUIT

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

The factors listed in Policy Manual § 314.21 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in Policy Manual § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance
(b) Pursued vehicle’s location is no longer definitely known
(c) Officer’s pursuit vehicle sustains any type of damage that renders it unsafe to drive
(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged

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(e) Hazards to uninvolved bystanders or motorists

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

(g) Directed by a supervisor

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

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

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

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

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

314.3 PURSUIT UNITS
Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.31 MOTORCYCLE OFFICERS
A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

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

314.33 PRIMARY UNIT RESPONSIBILITIES
The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator’s vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.
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Notify the Dispatch Center that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

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

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

314.34 SECONDARY UNIT(S) RESPONSIBILITIES
The second officer in the pursuit is responsible for the following:

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

314.35 PURSUIT DRIVING TACTICS
The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
(b) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
   1. Requesting assistance from an air unit.
   2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
   3. Requesting other units to observe exits available to the suspect(s).
(c) Notifying the California Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
(d) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

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314.36 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT
There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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

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

314.37 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 supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.38 AIRCRAFT ASSISTANCE
When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

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

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY
It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

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

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

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

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

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
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(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

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

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

(i) Control and manage HPD units when a pursuit enters another jurisdiction.

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

314.41 WATCH COMMANDER RESPONSIBILITY

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

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

314.5 COMMUNICATIONS

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

314.51 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Dispatch Center will:

(a) Coordinate pursuit communications of the involved units and personnel;

(b) Notify and coordinate with other involved or affected agencies as practical;

(c) Ensure that a field supervisor is notified of the pursuit;

(d) Assign an incident number and log all pursuit activities;

(e) Broadcast pursuit updates as well as other pertinent information as necessary;

(f) Notify the Watch Commander as soon as practical.

314.52 LOSS OF PURSUED VEHICLE

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

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency’s jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not 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.
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into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

314.61 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY
Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Hillsborough Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

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

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

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

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

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

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.
314.7 PURSUIT INTERVENTION
Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

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

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

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

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

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

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

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

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

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

314.74 INTERVENTION STANDARDS
Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have
Vehicle Pursuit Policy

not received certified departmental training in the application and use of any intervention
tactic or equipment shall consider these facts and requirements prior to deciding how, when,
where, and if an intervention tactic should be employed.

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

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

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

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical
means at the officer’s disposal have been exhausted. This tactic should be
reserved for situations where there does not appear to be another reasonable and
alternative method. This policy is an administrative guide to direct officers in their
decision-making process before the fact of ramming another vehicle. It is not a
standard for civil or criminal litigation to judge the propriety of the act; that is a matter
for the courts to determine by established law. When ramming is to be employed as
a means with which to stop a fleeing vehicle, one or more of the following factors
should be present:

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

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

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

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

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

Unless relieved by a supervisor the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

314.8 REPORTING REQUIREMENTS
The following reports should be completed to comply with appropriate local and state regulations:

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

(b) Pursuant to Vehicle Code § 14602.1(b), the primary officer shall complete form CHP 187A, Allied Agency Vehicle Pursuit Report, to be reviewed by the Watch Commander and filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:

1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.

2. The violation(s) that caused the pursuit to be initiated.

3. The identity of the officers involved in the pursuit.

4. The means or methods used to stop the suspect being pursued.

5. The charges filed with the court by the district attorney.

6. The conditions of the pursuit, including, but not limited to, all of the following:

   (a) Duration
   (b) Mileage
   (c) Number of officers involved
   (d) Maximum number of units involved
   (e) Time of day
   (f) Weather conditions
   (g) Maximum speeds

7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
8. Whether the pursuit involved multiple agencies.
9. How the pursuit was terminated.

(c) After first obtaining available information, a field supervisor shall promptly complete a Supervisor’s Log, briefly summarizing the pursuit to his/her department manager. This memo should minimally contain the following information:
1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination that the pursuit appears to be in compliance with this policy OR additional review and/or follow-up is warranted.

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

**314.82 POLICY REVIEW**
Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. A copy of the signed acknowledgment will be placed in the officer’s training file.

**314.9 APPLICATION OF MOTOR VEHICLE PURSUIT POLICY**
This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the 2006 POST Vehicle Pursuit Guidelines.
Officer Response to Calls

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

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

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

Any call that is not dispatched as Code-3 is a routine call. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

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

316.31 NUMBER OF UNITS ASSIGNED
Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

316.4 INITIATING CODE 3 RESPONSE
If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Dispatch Center. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Dispatch Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.
316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer’s judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Dispatch 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.

316.6 COMMUNICATIONS RESPONSIBILITIES

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

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

316.7 SUPERVISORY RESPONSIBILITIES

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

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

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor’s judgment, 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:
Officer Response to Calls

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

316.8 FAILURE OF EMERGENCY EQUIPMENT

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

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

318.2 GUIDELINES FOR THE USE OF CANINES
A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler

(b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance

(c) The individual(s) is/are 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

(d) It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend an individual.

318.21 PREPARATIONS FOR UTILIZING A CANINE
Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to the following:

(a) The individual’s age or estimate thereof

(b) The nature of the suspected offense

(c) Any potential danger to the public and/or other officers at the scene if the canine is released

(d) The degree of resistance or threatened resistance, if any, the subject has shown;

(e) The potential for escape or flight if the police dog is not utilized

(f) The potential for injury to officers or the public caused by the suspect if the police dog is not utilized

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler; however, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.
318.22 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

318.23 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

(a) To assist in the search for narcotics during a search warrant service
(b) To obtain a search warrant by using the detection canine in support of probable cause
(c) To search vehicles, buildings, bags, and any other articles deemed necessary
(d) A narcotic-detection canine will not be used to search a person for narcotics

318.24 USE OF BOMB/EXPLOSIVE DETECTION DOGS

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 trained explosive detection dog team may be warranted. When available, a trained explosive detection dog team may be used in accordance with current law and under the following circumstances:

(a) To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
(b) To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a dog sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
(c) To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
(d) To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
(e) At no time will a detection dog be used to render a suspected device safe or clear.

318.25 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

(a) Absent a change in circumstances which presents an immediate threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that the canine will not bite or otherwise injure the individual, if located.
(b) Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurances that the canine will not bite or hurt the person.
(c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
Canine Program

(d) Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practical.

318.26 REPORTING CANINE USE, BITES AND INJURIES
Whenever the police service dog is deployed, a Canine Use Report shall be completed by the handler and turned in to the Unit Coordinator before going off duty.

If a bite or injury results from the use of the canine, that information shall be documented on a Canine Use Report form and included in the police narrative/supplemental report. The report should include, at a minimum, the following:

(a) In all cases of bites or injury resulting from the use of a canine, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs will be labeled “Canine Incident - Do Not Destroy,” and booked into evidence. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, an officer should standby with the suspect until treatment has been rendered.

(b) Whenever a bite results, the handler shall notify the Animal Control Office as soon after the incident as practical.

(c) If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed.

318.27 REPORTING CANINE INJURIES
In the event that a canine is injured, the injury will be immediately reported to the Watch Commander.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented on a Canine Use Report Form.

318.28 ASSIGNMENT OF CANINES
The canine teams shall be assigned to the Patrol & Investigations Division to supplement and assist the Patrol Bureau.

Canine teams should function primarily as cover units however; they may be assigned by the Watch Commander to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Watch Commander.

318.3 REQUEST FOR USE OF CANINE TEAMS
Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Bureau shall go through the Unit Coordinator or the Watch Commander.

318.31 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES
The Watch Commander or the Unit Coordinator must approve all requests for canine assistance from outside agencies subject to the following provisions:
Canine Program

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

318.32 REQUEST FOR PUBLIC DEMONSTRATIONS
All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator.

318.4 SELECTION OF CANINE HANDLERS
The following are the minimum qualifications for the assignment of canine handler:

(a) Hillsborough Police Department officer (currently off probation)
(b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates)
(c) Have a garage which can be secured and accommodate a canine unit
(d) Live within 30 minutes travel time from the Hillsborough Town limits
(e) Agree to be assigned to the position for a minimum of three years

318.5 CANINE HANDLER RESPONSIBILITIES

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

318.52 CARE FOR THE CANINE AND EQUIPMENT
The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the canine unit in a garage, secured from public view.
(c) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Police Department facility.
(d) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.
(e) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.
Canine Program

(f) When off-duty, canines shall be maintained in kennels, provided by the Town, at the homes of their handlers. When a canine is kenned at the handler’s home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.

(g) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Watch Commander.

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

(j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

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

(a) Canines shall not be left unattended in any area to which the public may have access.

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

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

318.6 MEDICAL CARE OF THE CANINE
All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.62.

318.61 NON-EMERGENCY MEDICAL CARE
Non-emergency medical care will be coordinated through the Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Watch Commander as soon as practical.

All records of medical treatment shall be maintained in the canine handler’s personnel file.

318.62 EMERGENCY MEDICAL CARE
The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care is required.

318.7 TRAINING
Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. Cross trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet
the standards established for such detection dogs by the California Narcotic Canine Association.

318.71 CONTINUED TRAINING
Each canine team shall thereafter be recertified to current POST standards and the California Narcotic Canine Association on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive training as defined in current contract with the Department’s canine training provider.
(b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
(c) In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Hillsborough Police Department.
(d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Watch Commander.

318.72 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING
Any dog team failing POST canine certification and the California Narcotic Canine Association shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.73 TRAINING RECORDS
All canine training records shall be maintained in the canine handler’s training file.

318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES
The Unit Coordinator shall be appointed by staff and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Patrol & Investigations Division Commander. The Unit Coordinator shall be responsible for, but not limited to, the following:

(a) Review all Canine Use Reports to insure compliance with policy and to identify training issues and other needs of the program.
(b) Maintain liaison with the vendor kennel.
(c) Maintain liaison with administrative staff and functional supervisors.
(d) Maintain liaison with other agency canine coordinators.
(e) Maintain accurate records to document canine activities.
(f) Recommend and oversee the procurement of needed equipment and services for the unit.
(g) Be responsible for scheduling all canine related activities.
(h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

318.9 CONTROLLED SUBSTANCE TRAINING AIDS
Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.
Canine Program

Health & Safety Code § 11367.5 provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

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

318.91 PROCEDURES

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

(a) All necessary controlled substance training samples shall be acquired from the Hillsborough Police Department’s evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler
(b) The weight and test results shall be recorded and maintained by this department;
(c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances
(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency
(e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler’s assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure
(f) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action;
(g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency
(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency

318.92 IMMUNITY

Under Health & Safety Code § 11367.5(b), all duly authorized peace officers, while providing substance abuse training to law enforcement or the community or while providing canine drug detection training, in performance of their official duties, and any person working under their immediate direction, supervision, or instruction, are immune from prosecution.
Domestic Violence

320.1 PURPOSE AND SCOPE
Domestic violence is alleged criminal conduct and it is the policy of the Hillsborough Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred.

In responding to domestic violence incidents, 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 determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:

(a) The intent of the law to protect victims of domestic violence from continuing abuse
(b) The threats creating fear of physical injury
(c) The history of domestic violence between the persons involved
(d) Whether either person acted in self-defense

320.11 DEFINITIONS
The Hillsborough Police Department "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Commission on Peace Officer Standards and Training. The following definitions are provided by Penal Code § 13700:

Abuse - means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

Domestic Violence - is abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

Cohabitant - means two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters
- Sharing of income or expenses
- Joint use or ownership of property
- Whether the parties hold themselves out as husband and wife
- The continuity of the relationship
- The length of the relationship

The above definition of cohabitant is used for the application of enforcing Penal Code § 273.5. Family Code § 6209 expands the definition of cohabitant to include a person who regularly resides in the household for the application of enforcing Penal Code § 836(d).

Officer/Deputy - means any law enforcement officer employed by a local police department or sheriff's department, consistent with Penal Code § 830.1.
Domestic Violence

Victim - means a person who is a victim of domestic violence.

320.2 OFFICER SAFETY

The investigation of domestic violence cases places officers in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all officers to exercise reasonable care for the safety of any officers and parties involved.

320.3 ENFORCEMENT OF DOMESTIC VIOLENCE

It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:

(a) Marital status of suspect and victim
(b) Whether or not the suspect lives on the premises with the victim
(c) Existence or lack of temporary restraining order
(d) Potential financial consequences of arrest
(e) Complainant’s history or prior complaints
(f) Verbal assurances that violence will cease
(g) Complainant’s emotional state
(h) Non-visible injuries
(i) Location of the incident (public/private)
(j) Victim does not want to prosecute or make private person’s arrest
(k) Speculation that complainant may not follow through with the prosecution
(l) The case may not result in a conviction

320.31 FELONY ARRESTS

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

320.32 MISDEMEANOR ARRESTS

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

(a) Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:
   1. A current or former spouse
   2. A current or former cohabitant (Family Code § 6209 definition)
   3. A fiancé or fiancée
   4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship
   5. A person with whom the suspect has parented a child
   6. A child of the suspect or a child of one of the above listed categories
   7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship
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(b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):

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

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

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

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

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

(b) Whether the suspect is violating a criminal court issued Stay Away Order.

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

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

(e) Statements taken from the victim that the suspect has a history of physical abuse towards the victim.

(f) Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.

320.34 PRIVATE PERSON’S ARREST
Officers will advise the victim of his/her right to make a private person’s arrest when a crime has been committed outside the officer’s presence which does not meet the requirements for an officer initiated arrest either because it is not a felony or a qualifying misdemeanor offense under Penal Code § 836(d). Advisements regarding private person’s arrests should be held out of the presence of the suspect. Officers shall not dissuade victims from making a lawful private person’s arrest. Officers should refer to the provisions of Policy Manual § 364 for further options regarding the disposition of private person’s arrests.

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

(a) Prohibit threats, harassment or violence

(b) Excludes a party from a dwelling

(c) Prohibit other behaviors specified by the court

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

- Domestic Violence Protective Order
- Criminal Court Protective Order
- Emergency Protective Order (EPO)
- Order to Show Cause and Temporary Restraining Order (TRO)
- Order After Hearing
- Restraining Order - Juvenile
- Judgment of Dissolution and Order

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

320.36 TENANCY ISSUES

(a) Officers may request a person who is not in lawful possession of the premises to leave when:
   1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.)
   2. The complainant has requested that the person leave the premises

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

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

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

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

320.4 COURT PROTECTIVE ORDERS

Various types of restraining orders may be issued by various courts in domestic violence cases. All valid out-of-state and tribal court restraining and protective orders should be enforced. Penal Code § 13710 requires all law enforcement agencies to maintain complete and systematic records of all protection orders relating to domestic violence incidents, restraining orders, and proofs of service which are in effect. This section also requires that these records be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders on file. It shall be the responsibility of the Records Bureau to maintain these records.

320.41 VERIFICATION OF RESTRAINING ORDERS

Whenever a complainant advises of the existence of a restraining order, the officer shall immediately attempt to determine the following (Code of Civil Procedure § 527.8(i)(3)).

(a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in his/her possession.

(b) Whether there is valid restraining order on file with the Department of Justice Domestic Violence Restraining Order System (Family Code § 6383(d)).
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(c) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made
(d) The terms of the restraining order.

In the event the suspect is no longer at the scene, officers shall document the incident for follow up investigation.

320.42 ENFORCEMENT PROCEDURES
Violation of a restraining order is a misdemeanor under Penal Code §§ 273.6 or 166(4). An arrest should be made when probable cause exists to believe the subject of a restraining order has violated the order whether or not in the presence of an officer and evidence of proof of service of the order exists. Proof of service may be established by any one of the following:

(a) The existence of the order and proof of service to the suspect has been verified by the officer
(b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect
(c) The officer has verified the existence of the order and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements
(d) The existence of the order has been verified and there is proof that an officer has previously informed the suspect of its terms

320.43 PROOF OF SERVICE NOT VERIFIED
When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

(a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody (Code of Civil Procedure § 527.8(i)(2).
(b) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.
(c) Obtain the suspect's address.
(d) Enforce the order but do not make an arrest for any violation of the order occurring prior to verified proof of service or before an officer’s admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made (Code of Civil Procedure § 527.8(i)(4)).

If the suspect complies with the order the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement (Penal Code § 13730(c). The Department copy of the restraining order shall be updated to reflect the information listed above.

320.44 WHEN ORDERS ARE NOT VERIFIABLE
If the victim is not in possession of the restraining order and/or for any reason the officer can not verify the validity of the order the following action shall be taken:

(a) Write a report, give the police report number to the victim.
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(b) Inform the victim of how to contact the appropriate detective or investigation unit for further action (Penal Code § 13730(c)).

(c) Inform the victim of the right to make a private person's arrest for the appropriate violation.

In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. In such circumstances a written report shall be completed and the victim shall be informed of the case number and the follow-up criminal procedure (Penal Code §§ 13730(c) and 13701(c)).

320.45 EMERGENCY PROTECTIVE ORDERS

(a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:

1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.

2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.

3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.

4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

(b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.

1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).

2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.

3. Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.

(c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:

1. Physically or verbally contacting the victim or disturbing his/her peace

2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence

3. Continuing a specified behavior as described in the order
(d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.

(e) It is the policy of the Hillsborough Police Department to request an EPO if any of the following conditions exist:
   1. The victim requests an EPO
   2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim
   3. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists

320.46 COURT ORDERS
Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1). Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

320.5 EVIDENCE
The following guidelines should be considered by officers investigating domestic violence cases:

320.51 PHOTOGRAPHS OF INJURIES
All visible injuries should be photographed regardless of severity and all victims shall receive proper medical care prior to being photographed, if needed or desired.

Victims whose injuries are not visible at the time of the incident shall be advised to contact the Inspectors’ Bureau, in the event they become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

320.6 VICTIM ASSISTANCE
During the course of investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some suggested methods of assistance are:

(a) Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not

(b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the officer determines a need exists

(c) Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property

(d) Explain legal options available to the victim including the private person’s arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings

(e) Advise the victim of available community resources and the State Victim Assistance Program. See § 320.61 of the Policy Manual;
320.61  **VICTIM INFORMATION AND NOTIFICATION EVERYDAY PROGRAM**

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) Program. VINE is a free, computer-based telephone service that allows victims to check on an offender’s custody status and register to receive automatic notification when an inmate is released from County Jail. The contact phone number for VINE is printed on the Hillsborough Police Department Domestic Violence Information Pamphlet.

320.62  **WRITTEN NOTICE TO VICTIMS**

Penal Code § 13701 requires that victims of domestic violence be furnished written notice including the following information:

(a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time

(b) A statement that provides information about a shelter they may contact in the area

(c) A statement that provides information about other community services they may contact in the area

(d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint

(e) A statement that “For further information about the California Victim’s Compensation Program, you may contact 1-800-777-9229.”

(f) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:
   1. An order restraining the attacker from abusing the victim and other family members
   2. An order directing the attacker to leave the household
   3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim
   4. An order awarding the victim or the other parent custody of or visitation with a minor child or children
   5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim
   6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so
   7. An order directing the defendant to make specified debt payments coming due while the order is in effect
   8. An order directing that either or both parties participate in counseling

(g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim

(h) In the case of an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, a Domestic Violence Information Pamphlet which shall include, but is not limited to, the following information:
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1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers.

2. A simple statement on the proper procedures for a victim to follow after a sexual assault.

3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.

4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

320.63 DOMESTIC VIOLENCE SUPPORT

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

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

(a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.

(b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.

(c) The investigating officer should articulate in the report that the victim was advised of their right to a counselor and/or support person.

320.7 REPORTING OF DOMESTIC VIOLENCE

Penal Code § 13730 requires that a written report be completed on all incidents of domestic violence. All such reports should be documented under the appropriate crime classification and, in the "Type of Crime" box of the crime report form, the distinction "Domestic Violence" should be made.

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

320.71 RECORD-KEEPING RESPONSIBILITIES

Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. 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.
320.8 FIREARMS
Officers shall take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence incidents and process them for safekeeping as authorized in Penal Code § 12028.5. In no event shall such a firearm or weapon be returned within less than 48 hours.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered along with any applicable time limit for recovery. (Penal Code § 12028.7)

No person who is the subject of an Emergency Protective Order issued pursuant to Penal Code § 646.91 may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect.

320.81 RETURN OF FIREARMS
(a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the officer has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code § 12028.5(b)).

(b) If, however, any officer has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the Department of Justice or other sources, the Department shall within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure.

(c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days of the initial seizure or upon timely application to the court for an extension within no more than 90 days (Penal Code § 12028.5(f)).

(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 § 12021.3(e).

(e) The Department is not required to retain any firearm 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 § 12021.3(g)).

320.9 DISPATCHER’S RESPONSIBILITIES
This department considers calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Penal Code § 136.2, and restraining orders of extreme importance and shall be ranked among the highest priorities. Dispatchers are not required to verify the validity of the protective order
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before responding to the request for assistance. All calls of domestic violence should be dispatched as soon as practical.

320.91 PUBLIC ACCESS TO POLICY
A copy of this domestic violence policy will be provided to members of the public upon request. (Penal Code § 13701(c)).
Search & Seizure

322.1 PURPOSE AND SCOPE
Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in evaluating search and seizure issues. Specific situations should be handled according to current training and an officer’s familiarity with clearly established case law.

322.2 REASONABLE EXPECTATION OF PRIVACY
Both the United States and the California Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of this department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without one or more of the following:

- A valid search warrant
- Exigent circumstances
- Valid consent

322.21 SEARCH PROTOCOL
(a) Members of this department will conduct person searches with dignity and courtesy.
(b) Members of this department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
(c) Members of this department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.
(d) When the person to be searched is of the opposite sex of the officer, an officer of the like sex should be summoned to the scene to conduct the search.
(e) A search may be undertaken of a member of the opposite sex when it is not practical to summon an officer of the like sex. In these instances the officers will adhere to the following guidelines:
   1. A supervisor and/or one other officer should witness the search, if practical.
   2. Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
(f) The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

322.3 SPECIFIC SITUATIONS
322.31 RESIDENCE
Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in
areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

322.32  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.

322.33  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.

322.4  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 them from doing so, officers should attempt to memorialize the granting of consent through video/audio recording devices. In the unusual event that a recording is not able to be made, 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 recording of the grant of consent 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.
Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE
This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Hillsborough Police Department.

324.2 AUTHORITY TO DETAIN
Legal authority for taking custody of juvenile offenders is found in Welfare and Institutions Code § 625.

324.21 CONSTITUTIONAL RIGHTS ADVISEMENT
In any case where a juvenile is taken into temporary custody, 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).

324.3 TEMPORARY CUSTODY
No juvenile may be held in temporary custody at the Hillsborough Police Department without authorization of the arresting officer’s supervisor or the Watch Commander. An individual taken into custody for Welfare and Institutions Code § 300 or § 601 shall be processed as soon as practical. Juveniles detained under Welfare and Institutions Code § 602 may not be held at this facility for more than six hours from the time of arrival at the Hillsborough Police Department. When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the detective assigned to the case:

(a) Once the detained juvenile has been placed in secure or non-secure custody, ensure Dispatch logs the start custody time in CAD and continue updating the CAD system log until release or transfer
(b) Take immediate steps to notify the juvenile’s parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code § 627)
(c) Submit a completed report to the Watch Commander for approval

Status offenders and abused or neglected children (juveniles falling within provisions of Welfare and Institutions Code §§ 300 and 601) may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station.

324.31 TEMPORARY CUSTODY REQUIREMENTS
All juveniles held in temporary custody shall have the following made available to them:

(a) Access to toilets and washing facilities
(b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, jailer or as directed by a supervisor
(c) Access to drinking water
(d) Privacy during visits with family, guardian, or lawyer
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(e) Immediately after being taken to a place of temporary confinement, and except where physically impossible no later than one hour after being taken into custody, the detaining officer shall advise and provide the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney. (Welfare & Institutions Code § 627 and Penal Code § 851.5)

324.32 NON-CONTACT REQUIREMENTS

There shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners who are detained in the jail, except as provided below (208 Welfare and Institutions Code, Title 15 California Code of Regulations §§ 1544, 1546).

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

(a) There will be no communication between the juvenile and adult prisoners allowed

(b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, an Hillsborough Police Department employee trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner

(c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
   1. Booking
   2. Medical screening
   3. Inmate worker presence while performing work necessary for the operation of the Hillsborough Police Department such as meal service and janitorial service
   4. Movement of persons in custody within the Hillsborough Police Department

324.4 TYPES OF CUSTODY

The following provisions apply to types of custody, and detentions of juveniles brought to the Hillsborough Police Department.

324.41 NON-SECURE CUSTODY

All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14-years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility however the custody must be non-secure. Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

324.42 SECURE CUSTODY

A juvenile may be held in secure detention in the jail if the juvenile is 14-years of age or older and, if in the reasonable belief of the peace officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any juvenile in temporary custody who is less than 14-years of age, or who does not, in the reasonable belief of the peace officer, present a serious security risk, shall be released.
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risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody are met (Welfare and Institutions Code § 602, Title 15 California Code of Regulations § 1545).

(a) In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:

1. Age, maturity, and delinquent history of the juvenile
2. Severity of the offense(s) for which the juvenile was taken into custody
3. Juvenile’s behavior, including the degree to which the minor appears to be cooperative or non-cooperative
4. The availability of staff to provide adequate supervision or protection of the juvenile
5. The age, type, and number of other individuals who are detained in the facility.

(b) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:

1. Juvenile is 14-years of age or older
2. Juvenile is taken into custody on the basis of having committed a criminal law violation as defined in Welfare and Institutions Code § 602
3. Detention at this facility does not exceed six hours from the time of arrival at the police station, when both secure and non-secure time is combined
4. Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to Juvenile Hall
5. The officer apprehending the juvenile has reasonable belief that the juvenile presents a “serious security risk of harm to self or others.” Factors to consider include:

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

**324.43 SECURE DETENTION OF JUVENILES**

While in secure detention, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the juvenile or and others from harm.

(a) Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:

1. A Department employee must be present at all times to ensure the juvenile’s safety while secured to a stationary object.
2. Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.
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3. Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Sergeant or the designated supervisor and the reason for continued secure detention shall be documented.

(b) In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:
   1. Constant auditory access to staff by the juvenile;
   2. Unscheduled personal visual supervision of the juvenile by department staff, no less than every 30 minutes. These jail checks shall be documented.

(c) Males and females shall not be placed in the same locked room unless under direct visual supervision.

324.44 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 in the juvenile’s presence and sealed into the bag. The property will be maintained by the responsible detective or the desk personnel or locked in a juvenile property locker until the juvenile is released from the custody of the Hillsborough Police Department.

324.45 MONITORING OF JUVENILES
The juvenile shall constantly be monitored by the audio/video system during the entire detention. 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. This inspection shall be conducted by a designee of the Watch Commander, and the visual inspection shall be logged on the Inspection Log in the Watch Commander’s office.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Watch Commander shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs shall be turned into the Records Supervisor or his/her designee at the end of each month.

324.46 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 toilets and washing 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. All food given to a juvenile in custody shall be provided from the jail food supply

(c) Reasonable access to drinking water

(d) Privacy during family, guardian, and/or lawyer visits

(e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile’s clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody)
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324.47 FORMAL BOOKING
No juvenile shall be formally booked (Welfare and Institutions Code § 602 only) without the authorization of the arresting officer’s supervisor, or in his or 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 Detective Supervisor, giving due consideration to the following:

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

324.48 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 the Watch Commander

(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 the Watch Commander 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 Application for Petition form on behalf of the juvenile and forward it to the Patrol & Investigations division for processing.
   4. The juvenile may be transferred to Juvenile Hall with authorization of the appropriate supervisor or the Watch Commander 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. Application for Petition.
   2. Three copies of the applicable reports for each juvenile transported. In certain cases Juvenile Hall may accept custody of the juvenile based on the petition and the agreement that facsimile copies will be forwarded as soon as completed.
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3. Any personal property taken from the juvenile at the time of detention
4. San Mateo County Juvenile Contact Report

324.5 JUVENILE CONTACTS AT SCHOOL FACILITIES
Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.

(b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:
1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.
3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.
   (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
   (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer’s ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.

(c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member’s presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

324.6 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. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.61 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
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324.62 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.

324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.71 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. The Watch Commander 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.

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

324.72 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 the Watch Commander if he/she believes the juvenile may be a suicide risk. The Watch Commander 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.

324.73 USE OF RESTRAINT DEVICES
Policy Manual § 306 refers to the only authorized restraint device. It is the policy of this department that restraints will not be used for inmates retained in custody. 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
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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 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.

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.

The Watch Commander 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.

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.

**324.74 DISCIPLINE OF JUVENILES**

Police personnel are prohibited from administering discipline to any juvenile.

**324.75 DEATH OF A JUVENILE WHILE DETAINED**

The District Attorney’s Office and the Sheriff-Coroner’s Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The Support Services 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 Hillsborough 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

**324.76 CURFEW VIOLATIONS**

Juveniles detained for curfew violations may be released in the field or brought to the station but should only be released to their parent, legal guardian, or responsible adult.
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324.8 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Hillsborough Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency (Title 15, California Code of Regulations § 1431). In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity
- Minor is known or suspected to have ingested any substance that could result in a medical emergency
- A juvenile who is intoxicated to the level of being unable to care for him or herself
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

(a) A juvenile detained and brought to the Hillsborough Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:

1. Observation of juvenile’s breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.

(b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Hillsborough Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.

1. The 15 minute checks of the juvenile shall be documented on the Juvenile Detention Log in the Watch Commander’s office.

(c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.

(d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.
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(e) A medical clearance is required before the juvenile is transported to Juvenile Hall if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.
Elder Abuse

326.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Hillsborough Police Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

326.2 DEFINITIONS
For purposes of this policy, the following definitions are provided (Welfare and Institutions Code § 15610; et seq. and Penal Code § 368).

Dependent Adult - means any person residing in this state, between the ages of 18 and 64-years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or 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. Dependent Adult includes any person between the ages of 18 and 64-years who is admitted as an inpatient to a 24-hour health facility, as defined in Health and Safety Code §§ 1250, 1250.2, and 1250.3.

Elder - means any person residing in this state, 65-years of age or older.

Fiduciary Abuse - means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.

Abuse of an Elder or a Dependent Adult - means physical abuse, neglect, fiduciary abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Adult Protective Services Agency - means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

Neglect - means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

(a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
(b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

326.3 MANDATORY REPORTING REQUIREMENTS
Pursuant to Welfare and Institutions Code § 15630, the Hillsborough Police Department is considered a mandated reporter. “Any employee who has observed an incident that reasonably appears to be physical abuse, observed a physical injury where the nature of
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the injury, its location on the body, or the repetition of the injury clearly indicates that physical abuse has occurred or is told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse shall report the known or suspected instance of abuse by telephone immediately or as soon as possible, and by written report sent within two working days."

326.31 RECORDS BUREAU RESPONSIBILITY
The Records Bureau is responsible for the following:

(a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.

(b) Retain the original elder/dependent abuse report with the initial case file.

326.4 OFFICER’S RESPONSE
Officers shall investigate all calls of elder abuse and dependent abuse that they encounter. Officers responding to incidents of actual or suspected elder abuse shall consider the following when handling these calls:

326.41 INITIAL RESPONSE
Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

326.42 STABILIZE THE SITUATION
Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider the following:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim’s desires. The present and future safety of the victim is of utmost importance.
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326.43 SUPPORT PERSONNEL
The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility

326.44 EMERGENCY PROTECTIVE ORDERS
In any situation which an officer reasonably believes that an elder or dependant adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

326.5 ELDER ABUSE REPORTING
Every allegation of elder abuse shall be documented. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim’s condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810.

Officers investigating elder/dependent abuse shall complete State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).
Discriminatory Harassment

328.1 PURPOSE AND SCOPE
To prevent Department members from being subjected to discrimination or sexual harassment and to ensure full equal employment opportunity, in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission, the California Fair Employment and Housing Act and the guidelines issued by the California Fair Employment and Housing Commission.

328.2 POLICY
The Hillsborough Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination and intimidation, including sexual harassment. The Department will take preventative, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect.

328.3 DEFINITIONS

328.31 DISCRIMINATION
Any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of sex, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition, age, marital status or denial of family care or pregnancy disability leave.

Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters, and actions which result in an employee being offended or insulted because of a protected classification status enumerated in Policy Manual § 328.31 of this order.

328.32 SEXUAL HARASSMENT
(a) Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when:
   1. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee’s employment
   2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee
   3. Conduct that has the purpose or effect of interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment

(b) Discrimination/harassment does not include the following:
   1. Bona fide acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and California Fair Employment and Housing Commission Guidelines
   2. Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with Town or departmental rules or regulations, or...
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any other appropriate work related communication between supervisor and employee

328.4 RESPONSIBILITIES
This policy applies to all department personnel. All employees shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

All employees shall promptly report any observed or known violations of this policy to a supervisor. Employee(s) not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and report it to a higher ranking officer. Complaints may also be filed with the Town’s Affirmative Action Officer.

Supervisors and managers receiving information regarding violation(s) of this order shall determine if there is any basis for the allegation and shall proceed with resolution as stated in Policy Manual § 328.51.

328.41 SUPERVISOR RESPONSIBILITY
Each supervisor and manager shall:

(a) Ensure that the work environment is free from all types of unlawful discrimination, including sexual harassment
(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination
(c) Train their subordinates as to what constitutes discrimination and harassment
(d) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations of discrimination/harassment no later than the next business day

Individual employees may be held personally liable for discriminatory acts, including sexual harassment.

328.42 SUPERVISOR’S ROLE
Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory or harassing. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards
(b) False or mistaken accusations of discrimination and sexual harassment have negative effects on the careers of innocent employees
(c) Supervisors and managers must act responsibly in the handling of such situations
(d) Supervisors and managers must make a determination on any allegations based upon all available facts

328.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employees should take reasonable steps to mitigate or eliminate any continuing hostile work environment.
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328.51 SUPERVISORY RESOLUTION
Whenever possible, employees who believe they are experiencing discrimination and/or harassment are encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or highly inappropriate. If this does not resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, supervisory or management assistance or counseling should be sought from a supervisor or manager one rank higher than the alleged offender.

328.52 FORMAL INVESTIGATION
Upon being notified of any complaint that cannot be satisfactorily resolved through the supervisory means cited above, the Chief of Police or his or her designee shall initiate a formal investigation.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. The investigative authority includes accessibility to records and cooperation of any employees involved. No influence will be used to suppress any complaint and (except as herein provided) no employee 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 and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses.

Optional Resolution - Employees who believe they have been discriminated against or harassed because of their protected status described in Policy Manual § 328.31 of this procedure are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Human Resources Manager, or the City Manager.

328.53 DISPOSITION OF COMPLAINTS
Only one of the following four dispositions will be used to classify the disposition of an allegation of harassment:

Sustained Complaints - If the complaint is substantiated, this policy and procedure prohibiting discrimination/harassment will be reviewed with the offender. Appropriate disciplinary action and/or training, will be taken pursuant to the department disciplinary procedures.

Not Sustained Complaints - If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaint - If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

Exonerated Complaints - If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

Should it be determined that the reporting employee filed the complaint in good faith and/or through a mistake of fact, that employee shall be counseled/trained pursuant to Policy Manual § 328.41(c).
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Should it be determined that the reporting employee maliciously filed the complaint knowing that it was false or frivolous at the time of the complaint, that employee shall be subject to the disciplinary process up to and including termination.

328.6 NOTIFICATION OF DISPOSITION
Complainant and/or victim will be notified in writing of the disposition of the investigation and action(s) taken to remedy the complaint.

328.7 DOCUMENTATION OF COMPLAINTS
All complaints or allegations shall be documented on forms and in a manner designated by the Chief of Police. All reports shall be:

• Approved by the Chief of Police
• Maintained for a minimum of five years

328.8 GRIEVANCE PROCEDURE
Disputes arising out of the interpretation and enforcement of this policy and procedure shall be resolved through the established Grievance Procedure.

328.81 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT
Employees having questions are encouraged to contact a supervisor, manager, the Chief of Police, Human Resources Manager, or the City Manager or they may contact the California Department of Fair Employment and Housing at (800) 884-1684.
Child Abuse Reporting

330.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines and procedures for reports of suspected child abuse and the taking of minors into protective custody.

330.2 DEFINITIONS
For purposes of this section the following definitions are provided:

Child - means a person under the age of 18-years.

Child Abuse - means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by Penal Code § 273a (willful cruelty or unjustifiable punishment of a child) or Penal Code § 273d (unlawful corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care. Child abuse does not include a mutual affray between children. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Penal Code § 11165.6).

Child Protective Agency - means a police or sheriff’s department, a county probation department or a county welfare department. This section does not include school district police or security department.

330.3 CHILD ABUSE REPORTING
Pursuant to Penal Code § 11165.9, this department is defined as a "child protective agency". All employees of this department are responsible for the proper reporting of child abuse. Any employee who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and prepare a crime report pursuant to Penal Code § 11166.

330.31 MANDATORY NOTIFICATION
Pursuant to Penal Code § 11166.1, when this department receives a report of abuse occurring at the below listed facilities, notification shall be made within 24 hours to the licensing office with jurisdiction over the facility.

- A facility licensed to care for children by the State Department of Social Services
- A report of the death of a child who was, at the time of death, living at, enrolled in or regularly attending a facility licensed to care for children by the State Department of Social Services, unless the circumstances of the child’s death are clearly unrelated to the child’s care at the facility

Additionally, an immediate notification is required to the appropriate licensing agency if the suspected child abuse occurs while the child is being cared for in a child day care facility, involves a child day care licensed staff person, or occurs while the child is under the supervision of a community care facility licensee or staff person.
Child Abuse Reporting

330.32 POLICE REPORTS
Employees responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in a general report. No suspected child abuse report is required if the incident is documented in a general or miscellaneous report.

330.33 RELEASE OF REPORTS
Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5 and Policy Manual § 810.

330.4 INVESTIGATION RESPONSIBILITY
The duties of the detectives assigned to investigate child abuse include but are not limited to:

(a) Responsibility for the investigation, collection of evidence, and preliminary preparation for prosecution of all cases of child abuse and molestation
(b) Investigation into the deaths of children that could be attributed to abuse, molest, or Sudden Infant Death Syndrome (SIDS)
(c) Investigate reports of unfit homes, child abandonment, child endangering, or neglect
(d) Provide follow-up on suspected child abuse reports (compliance calls)
(e) Provide appropriate training to patrol personnel
(f) Coordinate with other enforcement agencies, social service agencies, and school administrators in the application and enforcement of the laws regarding child abuse cases

330.5 PHYSICAL EXAMINATIONS
If the child has been the victim of sexual abuse requiring a medical examination, the officer should arrange for transportation of the victim to the appropriate hospital. The officer will need to fill out the Medical Report - Suspected Child Sexual Abuse form, (OCJP form 925) prior to the doctor doing the examination.

330.6 TEMPORARY CUSTODY OF JUVENILES
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.
Missing Person Reporting

332.1 PURPOSE AND SCOPE
This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. Penal Code §§ 14200 through 14213 and §§ 14250 and 14251, as well as 42 USC 5779(a), specify certain requirements relating to missing persons.

332.11 DEFINITIONS (PENAL CODE § 14213)
Missing Person—Any person whose whereabouts are unknown to the reporting party including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Penal Code § 277.

Missing person also includes any child who is missing voluntarily, involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

At-Risk - Includes, but is not limited to, evidence or indications of any of the following:

• The person missing is the victim of a crime or foul play
• The person missing is in need of medical attention
• The person missing has no pattern of running away or disappearing
• The person missing may be the victim of a parental abduction
• The person missing is mentally impaired

Child - While California considers a child to be a person under eighteen years of age, for purposes of this section federal law considers any person under the age of twenty-one years to be a child.

332.2 REPORT ACCEPTANCE
All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property (Penal Code § 14205(a)). Reports shall be taken on missing persons regardless of jurisdiction.

Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway. In cases involving a person at-risk or a child under 16-years of age, the Inspectors’ Bureau will begin an investigation after an initial search by patrol personnel.

In all cases involving a person at-risk or a child under 16 years of age the handling employee shall ensure that the Watch Commander and appropriate Inspectors’ Bureau supervisor shall be notified.

332.21 INVESTIGATION DILIGENCE
Members of this department shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. (Penal Code § 14205). The required actions include the following:

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Missing Person Reporting

(a) Make an assessment of reasonable steps to be taken to locate the person

(b) If the missing person is under 16-years of age, or there is evidence the person is at-risk, the Department shall broadcast over the radio a "be-on-the-lookout" transmission without delay within this jurisdiction

The agency having jurisdiction over the missing person’s residence normally will handle the case after the initial report is taken, however Department members may assist in the investigation on a person who was last seen in this jurisdiction.

332.3 REPORT HANDLING

Missing person reports require special handling and timely notifications. A reference chart is attached at the end of this section.

332.31 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Hillsborough Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Bureau shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person’s residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen. (Penal Code § 14205(c))

332.32 TELETYPE NOTIFICATIONS

When the missing person is under the age of 21, Records Bureau personnel shall send a teletype to the Department of Justice and the National Crime Information Center within four hours after accepting the report (42 USC 5779(a)). To assist the Department of Justice, the teletype must note if the case involves a person at-risk or under 16-years of age.

332.33 AT-RISK REQUIREMENTS

If a missing person is under 18-years of age and at-risk or under 12-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.

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.

332.34 MISSING MORE THAN 45 DAYS

If a person is still missing after 45-days, the detective must check with the appropriate coroner(s) or medical examiner(s) and send to the Department of Justice both Department of Justice forms and dental records along with a photograph and this must be noted on Department of Justice form SS-8568. If dental records are unobtainable, this should be noted on Department of Justice form SS-8568.

332.4 MISSING PERSONS LOCATED

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

If a missing person under the age of 21 is located, the detective must ensure that a teletype is sent within 24-hours to the Department of Justice noting that information.
When all other missing persons are located, the detective (if the case has been assigned) must ensure that a teletype is sent within seven days to the Department of Justice noting that information. If no detective has yet been assigned Records Bureau personnel shall be responsible for sending the teletype.

### 332.5 REFERENCE CHART

<table>
<thead>
<tr>
<th></th>
<th>ENTRY INTO MUPS/NCIC</th>
<th>BOLO TELETYPE</th>
<th>CORONER CHECK</th>
<th>DOJ FORM (SS 8567)</th>
<th>SEND DENTAL X-RAYS</th>
<th>SEND PHOTO</th>
<th>SCHOOL NOTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHILD &quot;AT-RISK&quot;</td>
<td>Immediate</td>
<td>Without delay</td>
<td>Within 24 hours</td>
<td>Within 24 hours to DOJ</td>
<td>Within 24 hours to DOJ</td>
<td>Within 24 hours to DOJ</td>
<td>Within 10 days, written notice &amp; photo</td>
</tr>
<tr>
<td>CHILD NOT &quot;AT-RISK&quot; (under 21)</td>
<td>Within 4 hours</td>
<td>Without delay</td>
<td>After 14 days immediate check</td>
<td>After 14 days, within 24 hours</td>
<td>After 14 days, within 24 hours</td>
<td>After 14 days, within 24 hours</td>
<td>Within 10 days, written notice &amp; photo</td>
</tr>
<tr>
<td>ADULT &quot;AT-RISK&quot;</td>
<td>Within 4 hours</td>
<td>Without delay</td>
<td>After 45 days immediate check</td>
<td>Mandated after 45 days, but DOJ wants form ASAP</td>
<td>After 45 days</td>
<td>Not mandated</td>
<td>N/A</td>
</tr>
<tr>
<td>ADULT NOT &quot;AT-RISK&quot;</td>
<td>Within 45 days</td>
<td>DOJ suggests</td>
<td>After 45 days immediate check</td>
<td>After 45 days</td>
<td>After 45 days</td>
<td>Not mandated</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### 332.6 SCHOOL NOTIFICATION

Education Code § 49068.6 requires law enforcement to notify the school in which the missing child is enrolled. The school shall “flag” a missing child’s record and immediately notify law enforcement of an inquiry or request for the missing child’s records.

### 332.7 DNA SAMPLE COLLECTION

(a) In any case in which a report is taken concerning a person missing under high-risk circumstances, the assigned detective shall, within no more than 30 days, inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal item belonging to the missing person, if available (Penal Code §14250(c)).

(b) Such samples shall be collected in a manner prescribed by the Department of Justice, using a DOJ model kit.

(c) After 30 days, the reporting officer or assigned detective shall verify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports shall be sent to the Department of Justice for testing and inclusion in the DNA database.
AMBER Alerts

334.1 PURPOSE AND SCOPE
AMBER Alert, is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child’s abduction and how they can assist law enforcement in the child’s recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media, and law enforcement.

334.11 DEFINITIONS
Abduction - is any child under the age of 18-years, who has been unwillingly removed from their environment without permission from the child’s legal guardian or a designated legal representative.

334.2 CHILD ABDUCTION CRITERIA
An AMBER Alert should only be implemented in the following cases:

(a) A confirmed abduction (non-family)
(b) In the event of a parental abduction in which there is reliable information that the child is being removed from California or United States jurisdiction
(c) The victim of a parental abduction faces the threat of injury or death
(d) When circumstances surrounding a child’s disappearance are unknown, an alert may be implemented after sufficient time has elapsed and sufficient investigation has been conducted to eliminate other explanations for the child’s absence

334.3 ALERT RESPONSIBILITY
The employee receiving the abduction report shall notify the Watch Commander or appropriate Detective Supervisor as soon as practical. The Watch Commander or Detective Supervisor will then determine whether or not to then inform the media and other allied resources of the child abduction via an AMBER Alert. The Watch Commander or Detective Supervisor shall promptly notify the Chief of Police and the appropriate Division Commander.

334.4 PROCEDURE
In the event of a confirmed child abduction the following procedures designed to alert the media shall be followed.

(a) The Public Information Officer, Watch Commander or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the child, such as:
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, etc., if known
6. Name and phone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call in with leads/information

(b) Fax the press release to the local television and radio stations.
(c) The information in the press release should also be forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
(d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:

1. Emergency Alert System sites (EAS)
2. California Highway Patrol (CHP)
3. CLETS message to activate the Emergency Digital Information System (EDIS)
4. Federal Bureau of Investigation (FBI Local Office)
5. Prompt entry of information into the Department of Justice Missing Person System (MUPS/NCIC)
6. National Center for Missing and Exploited Children (800) 843-5678

(e) The investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

334.5 MUTUAL AID
The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert will generate a high volume of telephone calls to the handling agency.

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

If the Watch Commander or Detective 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 request for assistance. He/she will provide you with a telephone number for the public to call;
(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander;
(c) The 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.

Hillsborough Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department Emergency Communications Bureau to screen and relay information and clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the Emergency Communications Bureau.
Victim Witness Assistance Program

336.1 PURPOSE AND SCOPE
Persons who have sustained a physical injury as a direct result of a crime of violence, those persons who are legally dependent for support upon such persons who have sustained physical injury or death and those persons who legally or voluntarily assume the medical or burial expenses of such persons may be indemnified by the State of California. These provisions are contained in Government Code, § 13959 et seq. Law enforcement agencies are charged with the responsibility of notifying the victims of violent crimes of their right to indemnification.

336.2 DEFINITIONS
Government Code § 13951 provides definitions for the following:

336.21 VICTIM DEFINED
“Victim” shall mean a California resident or military person who is:
(a) A person who sustains injury or death as a direct result of a crime
(b) Legally dependent for support upon a person who sustains injury or death as a direct result of a crime
(c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment
(d) Any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime

336.22 CRIME DEFINED
Crime shall mean a crime or public offense as defined in Penal Code § 15, which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when such resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime of violence for the purposes of this article, except that a crime of violence shall include an:
(a) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle
(b) Injury or death sustained in an accident caused by a driver in violation of Vehicle Code §§ 20001, 23152, or 23153
(c) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he/she knowingly and willingly participated
(d) Injury or death caused by a person fleeing from law enforcement in a vehicle (Government Code § 13955(e)(2)(F))

336.3 ADVISEMENT RESPONSIBILITY
Every employee reporting or investigating a crime where a victim has suffered injury as a direct or proximate cause of that crime will ensure the victim has been provided with information about the existence of the local victim centers. This advisement shall include
Whenever or the circumstances shall be reporting discretion as set forth in Policy Manual § 336.3. The officer shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned officer shall accomplish the following:

(a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).

(b) If victim is transported to a hospital for any medical evidentiary or physical examination the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).

1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).

2. A support person may be excluded from the examination by the officer or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

336.32 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 their 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 (a) and (b)).

Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

336.33 Detective Responsibility

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating officer who later contacts or identifies the victim and/or dependents shall make the necessary advisement. The investigating officer shall use discretion and tact in making such advisement.

336.34 Supervisor Responsibility

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. The Detective Supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.
336.4 RECORDS BUREAU RESPONSIBILITY
The Records Supervisor shall be the liaison officer to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. Policy Manual § 810 regarding release of reports shall be followed in all cases.
Hate Crimes

338.1 PURPOSE AND SCOPE
This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS
Hate Crimes - Penal Code § 422.55(a) defines a hate crime as either a violation of Penal Code § 422.6 or 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

338.3 CRIMINAL STATUTES
Penal Code § 422 - Prohibits verbal, written or electronically transmitted threats to commit great bodily injury or death to another or his/her immediate family

Penal Code § 422.6 (a) - Prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person’s real or perceived characteristics listed in Penal Code § 422.55(a). Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat

Penal Code § 422.6(b) - Prohibits knowingly defacing, damaging or destroying the real or personal property of any person for any of the purposes set forth in Penal Code § 422.6(a)

Penal Code § 422.7 - Provides for other criminal offenses involving threats, violence or property damage in excess of $400 to become felonies if committed for any of the purposes set forth in Penal Code 422.6

Penal Code § 422.76 - Defines gender for purposes of various hate crime statutes to mean the victim’s actual sex or the defendant’s perception of the victim’s sex and includes the defendant’s perception of the victim’s identity, appearance, or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with the victim’s sex at birth

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Penal Code § 422.9 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including Nazi swastika or burning cross) on another person's private property

Penal Code § 11412 - Prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs

Penal Code § 594.3 - Prohibits vandalism to religious buildings or places of worship

Penal Code § 11413 - Prohibits use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, group facilities and other specified locations

338.4 CIVIL STATUTES

Civil Code § 51.7 - Except for statements made during otherwise lawful labor picketing, all persons in this state have the right to be free from any violence or intimidation by threat of violence against their person or property because of actual or perceived race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

Civil Code § 52 - Provides for civil suit by individual, Attorney General, District Attorney or City Attorney for violation of Civil Code § 51.7, including damages, Temporary Restraining Order and injunctive relief.

Civil Code § 52.1 - Provides for Temporary Restraining Order and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code § 422.9.

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

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

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks

(b) Accessing assistance by, among other things, activating the Department of Justice hate crime rapid response protocol when necessary

(c) Providing victim assistance and follow-up as outlined below, including community follow-up

338.6 PROCEDURE FOR INVESTIGATING HATE CRIMES

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

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate

(b) A supervisor should be notified of the circumstances as soon as practical
Hate Crimes

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b)).

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

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.

(g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.

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

338.61 INSPECTORS’ BUREAU RESPONSIBILITY

If a case is assigned to the Inspectors’ Bureau, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintain contact with the victim(s) and other involved individuals as needed.

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

338.7 TRAINING

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

340.1 PURPOSE AND SCOPE
To provide employees of this department with guidelines for their conduct in order that they may participate in meeting the goals of this department in serving the community. This policy shall apply to all sworn and non-sworn members of this department (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee’s civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

340.2 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.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE
The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.31 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.

340.32 CONDUCT
(a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another
(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 departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records
(d) Engaging in potentially dangerous “horseplay” resulting in injury or property damage or the reasonable possibility thereof
Disciplinary Policy

(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 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 report activities that have resulted in official contact by any other law enforcement agency.

(h) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.

(i) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.

(j) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.

(k) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

340.33 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.

340.34 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.

(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.

340.35 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) Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.

(d) Concealing or attempting to conceal defective work, removing or destroying it without permission.
Disciplinary Policy

(e) Disobedience or insubordination to constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee

(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 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(s)

(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) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the employees

(m) Work related dishonesty, including attempted or actual theft of department property, services or the property of others

(n) Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off-duty)

(o) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form

(p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures

(q) Substantiated, active, continuing association with or membership in "organized crime" and/or "criminal syndicates" with knowledge thereof, except as specifically directed and authorized by the Department

(r) Offer or acceptance of a bribe or gratuity

(s) Misappropriation or misuse of public funds

(t) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct

(u) Unlawful gambling or unlawful betting on department premises or at any work site

(v) 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.

(w) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized
Disciplinary Policy

(x) Engaging in political activities during assigned working hours except as expressly authorized

(y) Violating any misdemeanors or felony statute

(z) 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

(aa) Any failure or refusal of an employee to properly perform the function and duties of an assigned position

(ab) False or misleading statements to a supervisor

340.36 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 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

340.37 SECURITY

(a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

340.38 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

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.
Disciplinary Policy

340.41 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.

340.5 POST INVESTIGATION PROCEDURES

340.51 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

340.52 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 recommendations 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 imposed.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (Skelly) notice of the following information:

(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.
Disciplinary Policy

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.

340.6 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 Kelly 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 Kelly 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 issue(s) of information raised in any subsequent materials.
(f) Once the employee has completed his/her Kelly 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. The Chief of Police shall thereafter render a timely written decision to the employee 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(s) for termination and the process to receive all remaining fringe and retirement benefits.
(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

340.7 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.

340.8 POST KELLY 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.

340.9 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:
Disciplinary Policy

(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.

(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.
Department Computer Use

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

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

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Hillsborough Police Department, which are provided for official use by agency employees.

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

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

Temporary File or Permanent File or File - Shall mean 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 or messages.

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

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

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

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

342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE
Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of personal computer virus infection, employees are not permitted to install personal copies of any software onto the agency's
computers. If an employee must copy data onto a disk and download it on a non-agency computer, the employee shall scan the disk for viruses before reloading the data on an agency computer system.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. The agency and individuals can be subject to civil damages of as much as $100,000 per title copied, along with criminal penalties including fines and imprisonment.

342.6 INTERNET USE

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

Downloaded information shall be limited to messages, mail, and data files. No copyrighted and/or unlicensed software program files may be downloaded.

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

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

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

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

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

344.11 REPORT PREPARATION
It is the primary responsibility of the assigned officer to ensure that reports are fully prepared or that supervisory approval has been obtained to delay the report before going off duty. The preparing officer must determine whether the report will be available in time for appropriate action to be taken, such as investigative leads or a suspect is in custody.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the officer will be required by the supervisor to promptly correct the report. Officers who dictate reports by any means shall use appropriate grammar, as content is not the responsibility of the typist. Officers 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 repress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

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

344.21 CRIMINAL ACTIVITY REPORTING
When an employee 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 employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report
(b) In every instance where a misdemeanor has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the dispatcher’s log
(c) In every case where any force is used against any person by police personnel
(d) All incidents involving domestic violence
(e) All arrests

344.22 NON-CRIMINAL ACTIVITY
The following incidents shall be documented using the appropriate approved report:

(a) Reported missing persons (regardless of jurisdiction)
Report Preparation

(b) Found property and found evidence

(c) All incidents involving the death of a human being (see Policy Manual § 360 Death Investigations)

(d) Traffic collisions above minimum reporting level (see Policy Manual § 502 Traffic Accident Reporting)

344.23 SUICIDES
Cases of obvious suicide may be investigated and completed by the officer. If the officer is unable to determine the manner of death, he/she shall proceed as though it is a homicide.

344.24 INJURY OR DAMAGE BY TOWN OF HILLSBOROUGH PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a Town employee. Additionally, reports shall be taken involving damage to Town property or Town equipment.

344.25 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.26 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 Bureau shall notify the California State Department of Health Services of the incident, including the nature of the injury, on a form provided by the state. Forms may be obtained from DHS Epidemiology and Prevention for Injury Control (EPIC) Branch, Tel: (910) 552-9849 (Penal Code § 12088.5).

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.31 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 departmental consistency.
344.32 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should note the correction on the report. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.
News Media Relations

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

346.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of 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 designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

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

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS
Authorized and bona fide 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. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.

(c) No member of this department 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 shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.
346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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

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

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner’s Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

346.41 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 restricted information include, but are not limited to:

(a) Confidential peace officer personnel information (See Policy Manual § 1026)
   1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)

(c) Criminal history information

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(e) Information pertaining to pending litigation involving this department

(f) Information obtained in confidence
News Media Relations

(g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
Court Appearance & Subpoenas

348.1 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.

348.11 DEFINITIONS
On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee’s physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 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.

348.21 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 may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee’s supervisor or other authorized departmental agent (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.

348.22 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.

348.23 ACCEPTANCE OF SUBPOENA
(a) Only the employee named in a subpoena, his/her immediate supervisor 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 provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

348.24 REFUSAL OF SUBPOENA

(a) Valid reasons for an individually named employee not accepting subpoenas include illness, previously approved training, and vacations, which are scheduled and approved, before receipt of the subpoena. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. If the subpoena has been received by the individually named employee from the subpoena clerk and a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the subpoena clerk with a specified reason for refusal as well as the dates when the officer will become available. It shall then become the responsibility of the subpoena clerk to notify the assigned Deputy District Attorney or other attorney of record of the bona fide unavailability of the employee.

(b) 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.

(c) 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, the supervisor or other authorized individual may refuse to accept service. (Penal Code § 1328(d)).

(d) 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))

348.25 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.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. 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.
Court Appearance & Subpoenas

348.26 OFF-DUTY RELATED SUBPOENAS
Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Hillsborough 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.

348.27 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS
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 officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer’s compensation through the civil attorney of record who subpoenaed the officer.

348.31 PROCEDURE
To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department’s right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.32 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.

348.33 PARTY MUST DEPOSIT FUNDS
The party in the civil action who seeks to subpoena an officer must deposit the statutory fee of $150 (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.

348.4 OVERTIME APPEARANCES
If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

348.5 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.

348.51 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.
348.52  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.

348.6  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.

348.7  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, 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

350.1 PURPOSE AND SCOPE
The Hillsborough 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.

350.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS
The Hillsborough 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.

350.21 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.

350.22 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.

350.23 COMPENSATION FOR POLICE RESERVE OFFICERS
Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular officers.

350.3 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 Patrol & Investigations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

350.31 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.
Reserve Officers

350.32 RESERVE OFFICER ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

350.33 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

350.4 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 § 350.47, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

350.41 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.

350.42 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.

350.43 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 Hillsborough 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.

350.44 COMPLETION OF THE PRIMARY TRAINING PHASE
At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.
Reserve Officers

**350.45  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.

**350.46  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.

**350.47  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.

**350.5  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.

**350.51  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. 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.
350.52 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.

350.53 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.

350.54 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

350.55 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 Patrol & Investigations 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.

350.56 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.

350.6 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.

350.61 CARRYING WEAPON ON DUTY
Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on duty. It is the policy of this department to allow reserves to carry firearms only while on duty or to and from duty.

350.62 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, including qualifying four times per year.
350.7 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

352.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

352.11 ASSISTING OUTSIDE AGENCIES
Generally, calls for assistance from other agencies are routed to the Watch Commander’s office for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Hillsborough Police Department Personnel. Probation violators temporarily detained by this department will not ordinarily be booked at this department.

352.12 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES
If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions.
Handcuff Policy

354.1 PURPOSE AND SCOPE
This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flexcuffs, which will be considered synonymous with handcuffs for purposes of this policy.

354.2 HANDCUFFING POLICY
Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the Department. The arresting officer should consider the circumstances leading to the arrest, the attitude of the arrested person, and the age, sex, and health of the person before handcuffing. It must be recognized that officer safety is the primary concern.

It is not the intent of the Department to dissuade officers from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, an officer should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as the arrested person is safely confined within the jail.

354.21 IMPROPER USE OF HANDCUFFS
Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety. When practical, handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists.

354.22 JUVENILES
Juveniles 14-years of age or older may be handcuffed when the act committed is of a felonious nature or when their acts have amounted to crimes where the officer has a reasonable suspicion the suspect may have a desire to escape, injure themselves, injure the officer, or destroy property.

Juveniles under 14-years of age generally will not be handcuffed unless their acts have amounted to a dangerous felony or when they are of a state of mind which suggests a reasonable probability of their desire to escape, injure themselves, the officer, or to destroy property.

354.23 HANDCUFFING OF DETAINEES
Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Unless arrested, the use of handcuffs on detainees at the scene of a search warrant should continue for only as long as is reasonably necessary to assure the safety of officers and others. Handcuffs should be removed as soon as it is determined that the detained person will not be arrested.

When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for use of handcuffs.
Megan’s Law

356.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders under California’s Megan’s Law. (Penal Code §§ 290 and 290.4). It is the policy of this department to facilitate public access to information allowed by legislation on registered sex offenders.

356.2 DEPARTMENTAL DISSEMINATION OF INFORMATION
Whenever this department determines that it is necessary to provide information to the public regarding a person required to register as a sex offender pursuant to Penal Code § 290 in order to ensure the public safety, such information may only be released by means determined by the Chief of Police to be appropriate (Penal Code § 290.45(a)(1)).

Officers shall obtain approval from a supervisor prior to the public release of any information regarding a registered sex offender. Under exigent circumstances, an officer may release the information without prior supervisory approval, however, a supervisor shall be notified of the information release as soon thereafter as is practical.

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders (Penal Code § 290.45(a)(2)).

356.21 LIMITATIONS ON EXTENDED RELEASE
Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety. The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (Penal Code § 290.45(c)(1)).

356.3 RELEASE OF INFORMATION VIA THE INTERNET
Information about a specific offender may be publicly disclosed by way of the department Internet Web site only when the Department determines that such disclosure is necessary to ensure the public safety (Penal Code § 290.46(g)).

356.31 INFORMATION PROHIBITED FROM INTERNET RELEASE
The following information shall not be released over the department Internet Web site (Penal Code § 290.46(a):

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

356.32 INFORMATION PERMITTED FOR INTERNET RELEASE
For those offenders listed in Penal Code § 290.46(c)(2) and (d)(2), the following information may be included on the department Internet Web site:

(a) The offender’s full name.
Megan’s Law

(b) The offender’s known aliases.
(c) The offender’s gender.
(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 community of residence and ZIP Code in which the registrant resides or the county in which the person is registered as a transient.
(j) Any other information which the Department deems relevant, such as:
   1. Description of the offender’s vehicle(s) or vehicle(s) the offender is known to drive (only if the offender is currently wanted for a criminal offense).
   2. Type of victim targeted by the offender.
   3. Relevant parole or probation conditions, such as prohibiting contact with children.
   4. Dates of crimes resulting in current classification.
   5. Dates of release from confinement.
   6. The offender’s enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in Penal Code § 290.46(b)(2), the address at which the offender resides may also be included on the department Internet Web site in addition to the above.

Before releasing the address of any offender, the officer shall verify that the information it is correct.

356.33 USE OF DISCLOSURE FORMS
Whenever information regarding any sex offender is publicly disseminated, the officer shall complete a Megan’s Law Disclosure form which shall be promptly forwarded to the Inspectors’ Bureau.

The release of such information shall also be noted by entering the notification into the comment field on the offender’s Supervised Release File record.

356.34 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY
In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information within the campus community regarding other registered sex offenders:
(a) The offender’s full name
(b) The offender’s known aliases
(c) The offender’s gender
(d) The offender’s race
(e) The offender’s physical description
(f) The offender’s photograph
(g) The offender’s date of birth
Megan’s Law

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. 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)(1).

356.4 PUBLIC INQUIRIES

As a general rule information may not be given over the telephone. Members of the public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan’s Law Web site maintained by the Department of Justice (www.meganslaw.ca.gov). They may also submit a list of at least six persons directly to the Department of Justice on a designated form to inquire whether any of those persons are required to register as a sex offender and are subject to public notification (Department of Justice fees may apply) (Penal Code § 290.4(a)).
Major Incident Notification

358.1 PURPOSE AND SCOPE
Incidents that are of significant nature and that fall into listed criteria require notification to certain members of this department. It is critical that staff members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

358.2 MINIMUM CRITERIA FOR NOTIFICATION
Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected 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 Policy Manual § 310.53 for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Hillsborough official
- Arrest of Department employee or prominent Hillsborough official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Residential fires
- Incidents which require mutual aid responses from other allied law enforcement agencies

358.3 WATCH COMMANDER RESPONSIBILITY
The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practical. Notification should be made by memo, email or phone calls to home and pager, as determined by the severity of the incident at the discretion of the Watch Commander.

358.31 STAFF NOTIFICATION
In the event an incident occurs described in Policy Manual § 358.2, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

358.32 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.
Major Incident Notification

358.33  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.
Death Investigation

360.1 PURPOSE AND SCOPE
The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS
Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). A supervisor shall be notified in all death investigations.

360.21 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) Wherein the deceased has not been attended by a physician in the 20 days prior to death
(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
(d) Known or suspected homicide
(e) Known or suspected suicide
(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse
(g) Related to or following known or suspected self-induced or criminal abortion
(h) Associated with a known or alleged rape or crime against nature
(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent
(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration
(k) Accidental poisoning (food, chemical, drug, therapeutic agents)
(l) Occupational diseases or occupational hazards
(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
Death Investigation

(q) All deaths of state hospital patients
(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths
(s) All deaths where the patient is comatose throughout the period of the physician’s attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

360.22 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 Deputy Coroner 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 Deputy Coroner; the investigating officer shall first obtain verbal consent from the Coroner or Deputy Coroner.

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. 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 Deputy Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

360.23 DEATH NOTIFICATION

When practical, and if not handled by the Coroner’s Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.24 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner’s office will issue a “John Doe” or “Jane Doe” number for the report.

360.25 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.26 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.

360.27 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 or teletype with all pertinent information (8 CCR 342(b)).
Identity Theft

362.1 PURPOSE AND SCOPE
Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING
(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department. 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 our jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim’s name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform the victim of identity theft of his/her right to obtain court ordered access to the Department of Justice identity theft database pursuant to Penal Code § 530.7.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.
Private Persons Arrests

364.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the handling of private person’s arrests made pursuant to Penal Code § 837.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS
Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person’s arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person’s arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person’s arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS
Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.4 OFFICER RESPONSIBILITIES
Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person’s arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person’s arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person’s arrest or other lawful grounds to support an independent arrest by the officer, the officer should
advice the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person’s arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

364.5 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person’s Arrest form under penalty of perjury.

In addition to the Private Person’s Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.
Anti-Reproductive Rights Crimes Reporting

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

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

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

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

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

366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

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

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.

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

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).
Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE
Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA) and Civil Code § 54.1, it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

370.2 FACTORS TO CONSIDER
Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

(a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.

(b) The nature of the disability (e.g., total deafness or blindness vs. impairment)

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.)

(d) Availability of resources to aid in communication

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or its officers.

370.21 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.

370.3 TYPES OF ASSISTANCE AVAILABLE
Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual’s expressed choice of communication method shall be given primary consideration and honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.
Hearing Impaired/Disabled Communications

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following:

370.31 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

370.32 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 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.

370.33 TELEPHONE INTERPRETER SERVICES
The Watch Commander and Administrative Captain 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).

370.34 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.

370.35 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.

370.36 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).

370.4 CONTACT SITUATIONS AND REPORTING
While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

370.41 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.

370.42 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.
370.43 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.

370.44 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.

370.5 TRAINING
In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

(a) Employee awareness of related policies, procedures, forms and available resources
(b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters and related equipment
(c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff
Mandatory School Employee Reporting

372.1 PURPOSE AND SCOPE
The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING
In the event a school employee is arrested for any controlled substance offense enumerated in Health & Safety Code § 11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of Health and Safety Code § 11054, or for any of the offenses enumerated in Penal Code § 290 or in subdivision 1 of Penal Code § 291 or Education Code § 44010, the Chief of Police or his/her designee is required to immediately report the arrest as follows:

372.21 ARREST OF PUBLIC SCHOOL TEACHER
Upon arrest for one of the above sections, 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.

372.22 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE
Upon arrest for one of the above sections, 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.

372.23 ARREST OF PRIVATE SCHOOL TEACHER
Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher.
DNA Samples

374.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code § 295, et seq.).

374.2 PERSONS SUBJECT TO DNA COLLECTION
While the courts may order DNA samples taken in a variety of circumstances under the Act, members of this department are only authorized to obtain DNA samples from the following individuals absent other lawful means (e.g., consent or a search warrant).

Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection “flag” on the individual’s criminal history record or, during regular business hours, by calling the Department of Justice at (510) 620-3300 and pressing “1-1” in the automated system (Penal Code § 298(b)(5)).

It is a misdemeanor for any qualified individual to refuse to give any or all required DNA samples following written notice of the requirement to do so (Penal Code § 298.1(a)).

374.21 ARRESTEES
Immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest (but in any case prior to release on bail or other physical release from custody), any adult arrested or charged with any of the following felony offenses are required to provide DNA samples (Penal Code § 296.1(a)(1)(A)):

(a) Any felony offense or attempt to commit any felony offense specified in Penal Code § 290 or felony offense which requires registration under 290 (Penal Code § 296(a)(2)(A))

(b) Murder, voluntary manslaughter or the attempt to commit either offense (Penal Code § 296(a)(2)(B))

374.22 SEX AND ARSON REGISTRANTS
Any adult or juvenile who is required to register as a sex offender under Penal Code § 290 or arsonist under Penal Code § 457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. (Penal Code § 296(a)(3)).

At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided (Penal Code § 296.2(c)).

374.3 PROCEDURE
Upon a determination that any individual is qualified and required to provide DNA samples under the Act, the arresting officer or other employee designated by a supervisor shall obtain DNA samples in accordance with this policy.
374.31  **BLOOD SAMPLES**

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the Department of Justice DNA lab shall be placed in Department of Justice blood vials (Penal Code § 298(a) and (b)(2)). A right thumbprint shall be placed on the sample vial along with other required identifying information.

374.32  **BUCCAL SWABS**

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs and with the use of Department of Justice buccal swab collectors. (Penal Code § 298(a) and (b)(3)). A right thumbprint shall be placed on the collector along with other required identifying information.

(Note: If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.)

374.33  **FULL PALM PRINTS**

Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all DNA samples. (Penal Code § 298(b)(4)).

374.34  **USE OF FORCE TO OBTAIN SAMPLES**

If, after a written or oral request, a qualified individual refuses to provide any or all of the required DNA samples, a sworn member of this department may use reasonable force to obtain such sample(s) under the following conditions:

(a) Prior to the use of reasonable force, the officer(s) shall take and document reasonable steps to secure voluntary compliance (Penal Code § 298.1(c)(1)(C)).

(b) Prior to the use of reasonable force, the officer(s) shall obtain written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused (Penal Code § 298.1(c)(1)(B)).

(c) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped (Penal Code § 298.1(c)(1)(D)).

For the purpose of this section, the “use of reasonable force” shall be defined as the force that an objective, trained and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance. (Penal Code § 298.1(c)(1)(A)).

374.4  **PROCESSING DNA SAMPLES**

All DNA samples and related materials shall be promptly forwarded to the DNA Lab using DOJ mailing tubes, labels and instructions for prompt analysis. (Penal Code § 298(a) and (b)(1)).

374.41  **NOTICE OF A REJECTED SAMPLE**

In the event the Department of Justice notifies the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to the Department of Justice (Penal Code § 296.2(a)).
374.42  FOLLOW UP NOTICE TO DOJ
Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal investigation (Penal Code § 297(b)(2)). It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

374.5  RELATED STATUTES
It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity (Penal Code § 298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes (Penal Code § 299.5(i)(1)(A)).

374.6  LITIGATION
The Chief of Police or authorized designee shall immediately notify the Department of Justice DNA Legal Unit at (415) 703-5892 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.
Chapter 4 - Patrol Operations
Patrol Function

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

400.11 FUNCTION
Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Hillsborough, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature

(d) Investigation of both criminal and non-criminal acts

(e) The apprehension of criminal offenders

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature

(g) The sharing of information between the Patrol and other division within the Department, as well as other outside governmental agencies

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(i) Traffic direction and control

400.2 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 Hillsborough Police Department.

400.21 CRIME REPORTS
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.22 PATROL BRIEFINGS
Patrol supervisors, inspectors, and special unit personnel 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.
**Patrol Function**

**400.23 INFORMATION CLIPBOARDS**
Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the sergeant’s briefing board, the wanted persons/teletypes clipboard, and the report clipboard.

**400.24 BULLETIN BOARDS**
A bulletin board will be kept in the briefing room and the Inspectors’ Bureau for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing room clipboard.
Racial/Bias Based Profiling

402.1 PURPOSE AND SCOPE
The Hillsborough Police Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability.

402.2 DEFINITION
Racial/Bias based profiling, for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)).

402.3 POLICY
The practice of racial/bias based profiling is illegal and will not be tolerated by this Department (Penal Code § 13519.4(f)).

(a) It is the responsibility of every member of this department to prevent, report, and respond appropriately to clear discriminatory or biased practices.

(b) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicions to justify the detention independent of the individual’s membership in a protected class.
   1. To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved officer should include those facts giving rise to the officer’s reasonable suspicion or probable cause for the contact.
   2. Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.
   3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The Hillsborough Police Department will investigate all complaints of alleged racial/bias based profiling complaints against its members. Employees found to be in violation of this policy are subject to discipline in accordance with this department’s disciplinary policy.

402.4 TRAINING
(a) All sworn members of this department will be scheduled to attend POST approved training on the subject of racial profiling.

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

(c) Each member of this department undergoing initial POST approved training will thereafter be required to complete an approved refresher course every five years.
Racial/Bias Based Profiling

or sooner if deemed necessary in order to keep current with changing racial and cultural trends (Penal Code §13519.4(i)).

402.5 ADMINISTRATION

Each January, the Patrol & Investigations Division Commander shall review the Department’s effort to prevent racial/bias based profiling and submit an overview, including public concerns, to the Chief of Police. This overview shall not contain any identifying information regarding any specific complaint, citizen, or officer.
Briefing Training

404.1 PURPOSE AND SCOPE
Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
(b) Notifying officers of changes in schedules and assignments
(c) Notifying officers of new Departmental Directives or changes in Departmental Directives
(d) Reviewing recent incidents for training purposes
(e) Providing training on a variety of subjects

404.2 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 & Disaster Scene Integrity

406.1 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.

406.2 CRIME SCENE RESPONSIBILITY
The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers however, shall also consider officer safety and public safety issues including rendering medical aid for any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene it shall be maintained until relieved by a supervisor.

406.21 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Ensure no suspects are still within 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) Secure the inner perimeter with crime scene tape.
(e) Protect items of apparent evidentiary value.
(f) Start chronological log noting critical times and personnel allowed access.

406.22 MEDIA ACCESS
Authorized and bona fide 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. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.
(c) No member of this department 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 shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.
The scene of a tactical operation is the same as a crime scene, except that the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media and all comments to the media shall be coordinated through a supervisor or the Public Information Officer.

406.23 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 (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Watch Commander.

406.24 EXECUTION OF HEALTH ORDERS
Any sworn member of this Department may execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Health & Safety Code § 100106).

406.3 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.

406.31 CONSENT
While consent to search should be obtained from authorized individuals where possible, it is often more prudent to obtain a search warrant in the case of serious crimes or major investigations.
Crisis Response Unit

408.1 PURPOSE AND SCOPE
The Crisis Response Unit (CRU) is comprised of two specialized teams: the Hostage Negotiation Team (HNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

408.11 OPERATIONAL AND ADMINISTRATIVE POLICY
The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.12 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 including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. 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.

408.2 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The Commander of the Crisis Response Unit shall be selected by the Chief of Police upon recommendation of staff.

408.21 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, the Crisis Response Unit shall be managed by a Captain.

408.22 TEAM SUPERVISORS
The Negotiation Team and the Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

(a) The Negotiation Team supervisor’s primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.
(b) The Special Weapons and Tactics Team supervisor’s primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

**408.3 POLICY**

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

**408.31 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the CRU Commander. Qualified applicants will then be invited to an oral interview. The oral board will consist North Central Regional SWAT supervisors and managers. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process

(c) Effective communication skills to ensure success as a negotiator

(d) Special skills, training, or appropriate education as it pertains to the assignment

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations

The oral board shall submit a list of successful applicants to staff for final selection.

**408.32 TRAINING OF NEGOTIATORS**

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers should be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team
members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be dismissed from the unit.

408.33 OPERATIONAL PROCEDURES
This department shall participate as a member of the North Central Regional San Mateo County Special Weapons and Tactics Team. All operational deployments and procedures shall follow the written agreement between the various agencies and components of the the North Central Regional San Mateo County SWAT Unit.

408.4 TRAINING NEEDS ASSESSMENT
The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities and department policy.

408.41 SELECTION OF PERSONNEL
Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Division Commander, a copy of which will be forwarded to the CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the CRU Commander. Applicants will be evaluated by the following criteria:
   1. Recognized competence and ability as evidenced by performance
   2. Demonstrated good judgment and understanding of critical role of SWAT member
   3. Special skills, training, or appropriate education as it pertains to this assignment
   4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 80% must be attained to qualify.

(d) A list of successful applicants shall be submitted to staff, by the CRU Commander, for final selection.

408.42 UPDATED TRAINING
Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

408.43 SUPERVISION AND MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.
Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

**408.44 SWAT TRAINING**
Training shall be coordinated by the Crisis Response Unit Commander. In addition to specialized training, the CRU Commander may conduct monthly training exercises, to include a review and critique of personnel and their performance in the exercise. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test annually. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team officer failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the officer required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt will result in dismissal from the team.

(c) Those officers who are on vacation, ill, or are on light-duty status with a doctor’s note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30 day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Annually, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team Rangemaster approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training will result in dismissal from the team.

**408.45 TEAM EVALUATION**
Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be dismissed from the team.

**408.46 TRAINING SAFETY**
Use of a designated safety officer should be considered for all tactical training.

**408.47 SCENARIO BASED TRAINING**
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

**408.48 TRAINING DOCUMENTATION**
Individual and team training shall be documented and records maintained by the Training Section. Such documentation shall be maintained in each member’s individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.
**408.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

**408.51 UNIFORMS**

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

**408.52 EQUIPMENT**

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

**408.53 FIREARMS**

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

**408.6 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT**

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Commander.

**408.7 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT**

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Commander.

**408.71 ON-SCENE DETERMINATION**

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the CRU Commander.

**408.72 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT**

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.
408.73 OUTSIDE AGENCY REQUESTS
Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Hillsborough Police Department Crisis Response Unit in response to requests by other agencies must be authorized by a Division Commander.

408.74 MULTI-JURISDICTIONAL SWAT OPERATIONS
The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU’s, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the Hillsborough Police Department SWAT team shall operate under the policies, procedures and command of the North Central Regional San Mateo County SWAT Team when working in a multi-agency situation.

408.75 MOBILIZATION OF CRISIS RESPONSE UNIT
The On-Scene supervisor shall make a request to the Watch Commander for the Crisis Response Unit. The Watch Commander shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in Dispatch by the CRU Commander. The Watch Commander will then notify the Patrol & Investigations Division Commander as soon as practical.

The Watch Commander should advise the CRU Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.
(b) If the suspect is in control of hostages.
(c) If the suspect is barricaded.
(d) The type of crime involved.
(e) If the suspect has threatened or attempted suicide.
(f) The location of the command post and a safe approach to it.
(g) The extent of any perimeter and the number of officers involved.
(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

Dispatch will page the SWAT team members to respond.

408.76 FIELD UNIT RESPONSIBILITIES
While waiting for the Crisis Response Unit, 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) Evacuate any injured persons or citizens in the zone of danger.
(d) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
Crisis Response Unit

(e) Be prepared to brief CRU Commander on situation.
(f) Plan for, and stage, anticipated resources.

408.77 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander’s decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or his or her designee) shall maintain communications at all times.

408.78 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL
All of those persons who are non-Crisis Response Unit 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 Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.
Ride-Along Policy

410.1 PURPOSE AND SCOPE
The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.11 ELIGIBILITY
The Hillsborough Police Department Ride-Along Program is offered to residents, students and those employed within the Town. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

410.12 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.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver’s license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

410.21 PROGRAM REQUIREMENTS
Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, Town Council members and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer’s vehicle at a given time.
Ride-Along Policy

Ride-along requirements for police cadets are covered in Policy Manual § 1048, "Police Cadet Program."

410.22  SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

410.23  PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.24  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 Hillsborough Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.).

410.3  OFFICER’S RESPONSIBILITY
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs.

410.4  CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a)  The ride-along will follow the directions of the officer
(b)  The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
(c)  The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer’s duties
(d)  Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
(e)  Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
Ride-Along Policy

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
Hazardous Material Response

412.1 PURPOSE AND SCOPE
Hazardous materials present 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.

412.11 HAZARDOUS MATERIAL DEFINED
A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver’s manifest or statements from person transporting)
(b) Notify Fire Department
(c) Provide first-aid for injured parties if it can be done safely and without contamination
(d) Begin evacuation of immediate area and surrounding areas dependent on substance. Voluntary evacuation should be considered; however depending on the substance, mandatory evacuation may be necessary

412.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.31 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.
Hillsborough Police Department

Hazardous Material Response

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.
Hostages & Barricaded Suspects

414.1 PURPOSE AND SCOPE
Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

414.11 DEFINITIONS
Hostage - A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

Barricaded Suspect - A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

414.2 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 Policy Manual § 300, with particular regard directed toward the safety of hostages.

414.3 FIRST RESPONDER RESPONSIBILITY
Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

(a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel
(b) Notification of tactical and hostage negotiation personnel
(c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots
(d) Establishment of inner and outer perimeters
(e) Evacuation of bystanders and injured persons
(f) Establishment of central command post and appropriate chain of command
(g) Request for ambulance, rescue, fire and surveillance equipment
(h) Authorization for news media access and news media policy
(i) Pursuit/surveillance vehicles and control of travel routes

414.4 REPORTING
Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.
Response to Bomb Calls

416.1 PURPOSE AND SCOPE
These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing 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 shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES
When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging
(b) Secure the perimeter for a minimum of three hundred feet allowing for an entrance for support personnel
(c) Relay as much initial information as possible to the Watch Commander without touching the device, including:
   1. The stated threat
   2. How made
   3. Exact comments
   4. Time
   5. Location
   6. Full description (e.g., size, shape, markings) of the device in question
(d) Do not touch or transport the device to any other location
(e) Do not transmit on any equipment that produces radio frequency energy within 300 feet. Consideration should be given to the possibility for evacuation if a device is located within a building
(f) Secure a perimeter around the suspected device
(g) Consideration for support personnel such as paramedics and Fire Department personnel
(h) A search of the area should be conducted for secondary devices or other objects foreign to the area
(i) Found explosive or military ordnance of any type should be handled only by the Bomb Squad
(j) When in doubt, call for assistance from the Sheriff’s Department Bomb Squad

416.3 EXPLOSION/BOMBING INCIDENTS
When an explosion has occurred, there are multitudes of considerations which may confront the patrol officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, further damage by resulting fires or unstable structures, etc.
Response to Bomb Calls

Whether the explosion was the result of an accident or a criminal act, the following concerns may confront you:

- Injury to victims
- First aid (primary Fire Department responsibility)
- Evacuation of victims (primary Fire Department responsibility)

**416.31 NOTIFICATIONS**
When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

(a) Fire Department  
(b) Bomb Squad  
(c) Additional field officers  
(d) Field supervisor  
(e) Watch Commander  
(f) Detectives  
(g) Forensic Science Services

**416.32 CROWD CONTROL**
No one should be allowed free access to the scene unless they have a legitimate and authorized reason for being there.

**416.33 SCENE OF INCIDENT**
As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could be extended for several hundred feet. Evidence may be imbedded in nearby structures or hanging in trees and bushes, etc.

A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and the officer should wait for the arrival of the Sheriff’s Department Bomb Squad.

**416.4 BOMB THREATS RECEIVED AT POLICE FACILITY**
This procedure shall be followed should a bomb threat call be received at the police facility and a search made for a destructive device.

**416.41 BOMB THREATS RECEIVED BY TELEPHONE**
The following questions shall be asked if a call of a bomb is received at the Police Department:

- When is the bomb going to explode?  
- Where is the bomb right now?  
- What kind of bomb is it?  
- What does it look like?  
- Why did you place the bomb?

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.
Response to Bomb Calls

During this time, record the following:

• Time of the call
• Exact words of the person as accurately as possible
• Age and sex
• Speech patterns and/or accents
• Background noises

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is retrieved as evidence.

416.42 RESPONSIBILITIES

As soon as a bomb threat has been received, the Watch Commander will be advised and fully informed of the details. The Watch Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.
Mental Illness Commitments

418.1 PURPOSE AND SCOPE
This procedure describes an officer’s duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest. If an officer believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall transport that person to the designated facility for evaluation and commitment.

418.2 AUTHORITY
Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person’s condition was called to the attention of the officer, or other individual authorized by statute has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES
Any officer responding to or handling a call involving a suspected or actual mentally disabled individual or “5150” commitment should carefully consider the following:

(a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities
(b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons
(c) Appropriate language usage when interacting with mentally disabled persons;
(d) If circumstances permit, alternatives to lethal force when interacting with potentially dangerous mentally disabled persons
(e) Community resources which may be readily available to assist with the mentally disabled individual(s)

418.31 TRANSPORTATION
When transporting any individual for a “5150” commitment, the handling officer should have the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel. The officer will escort the patient into the facility and place that person in a designated treatment room as
directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the patient.

418.32 RESTRAINTS
If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.33 MENTAL HEALTH DOCUMENTATION
The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

418.34 SECURING OF WEAPONS
If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME
When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the Hillsborough Police Department before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS
Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150 and is found to own, have in his or her possession or under his or her control, any firearm whatsoever or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by the handling officer. The firearm or other deadly weapon shall be booked into evidence until further processing.

The handling officer shall further advise the person of the below described procedure for the return of any firearm or other deadly weapon which has been confiscated (Welfare and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code § 12020.

418.51 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 Inspectors’ Bureau which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up
**Mental Illness Commitments**

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 § 12021.3(e).

(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 § 12021.3(g)).

**418.6 TRAINING**

As a part of advanced officer training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.
Cite & Release Policy

420.1 PURPOSE AND SCOPE
Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

420.2 STATUTORY REQUIREMENTS
Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

(b) A jail release is when a violator is released after being transported to the jail and booked.

420.21 DISCRETION TO ARREST
While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the Town, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the Town should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

420.3 DEPARTMENT PROCEDURE
The following procedure will be followed to comply with this law.

420.31 FIELD CITATIONS
Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations to all persons 18-years of age or older. Officers may also release subjects who were taken into custody on a private person’s arrest for a misdemeanor offense, whenever appropriate.

420.32 JAIL RELEASE
In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Watch Commander approval.
Cite & Release Policy

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in Policy Manual § 420.33.

420.33 DISQUALIFYING CIRCUMSTANCES

Penal Code § 853.6(i) specifies that a person arrested for a misdemeanor shall be released on a notice to appear unless one of following situations is present:

(a) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. An arrestee shall not be released from custody for the sole purpose of allowing that person to obtain medical care with the intention of immediately re-arresting the same individual upon discharge from the hospital unless it can be determined that the hospital can bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303, and 40305.

1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a ten day notice to appear or be taken without delay before a magistrate in the county of arrest.

2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger) however such print may not be used for other than law enforcement purposes.

3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.

(d) There are one or more outstanding arrest warrants for the person.

(e) The person could not provide satisfactory evidence of personal identification.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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

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

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.
Cite & Release Policy

420.34 OTHER REASONS FOR NON-RELEASE
If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.33, the Watch Commander shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

(a) Previous failure to appear is on record
(b) The person lacks ties to the area, such as a residence, job, or family
(c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

420.35 INSTRUCTIONS TO CITED PERSON
The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 CITATION RELEASE ON MISDEMEANOR WARRANTS
Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence
(b) The misdemeanor cited in the warrant involves a firearm
(c) The misdemeanor cited in the warrant involves resisting arrest
(d) The misdemeanor cited in the warrant involves giving false information to a peace officer
(e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics
(f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety
(g) The person has other ineligible charges pending against him/her
(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
(i) The person refuses to sign the notice to appear
(j) The person cannot provide satisfactory evidence of personal identification
(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this section.

420.5 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 Hillsborough Town codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Inspectors’ Bureau for further action including diversion.
420.6 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.
Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE
Article 30 of the Vienna Convention on Consular Relations, operative as to the United States on December 24, 1969, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person’s detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in Table 1 (appendix) or the U.S. Department of State website.

422.11 DEFINITIONS
Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official “missions” (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State’s Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country’s right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS
Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY
The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

422.31 DIPLOMATIC AGENTS
Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.
**422.32 CONSULAR OFFICERS**

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. This official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

**422.33 HONORARY CONSULS**

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

**422.4 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer’s immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator’s license issued by the state. Additionally they may have California credentials issued by the Governor’s Office of Emergency Services (OES), Law Enforcement Division.

**422.41 VEHICLE REGISTRATION**

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words “diplomat” or “consul.” Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an “honorary consul” label. Driver’s identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state, if the officer has reason to question the legitimate possession of the license plate.

**422.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:
422.51 CITABLE OFFENSES
An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator’s immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant
(b) The title and country represented by the claimant are to be recorded on the back of the officer’s copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
(c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established
(d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word “Refused” shall be entered in the signature box, and the violator shall be released
(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain
(f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter
(g) The violator shall be provided with the appropriate copy of the notice to appear

422.52 IN-CUSTODY ARRESTS
Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant’s identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:
Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor’s approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor’s approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

### 422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have “D” coded in the license “class” box.
Arrest or Detention of Foreign Nationals

of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant’s title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.61 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner’s permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.62 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words “Immunity Claim” shall be marked on the photocopy, together with a notation of the claimant’s title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor’s notes, materials and/or logs to the Chief of Police’s office within 48 hours of the incident. The Chief of Police’s office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person’s arrest
(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer’s presence

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

• Officers shall not stop or detain persons solely for determining immigration status.
• International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
• Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the

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individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

422.71 ARREST PROCEDURE
Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person’s citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention.

If the individual requests such notification, the officer shall contact the Dispatch Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Dispatch Center with the following information concerning the individual:

• Country of citizenship
• Full name of individual, including paternal and maternal surname if used;
• Date of birth or age
• Current residence
• Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed in Table 1 (appendix), officers shall provide the Dispatch Center with the information above, as soon as practical, whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of specific countries that the United States is obligated to notify may also be found at the U.S. Department of State website.

Officers should attempt to provide the Dispatch Center with request for embassy/consulate notification at the same time they provide incarceration information in order to expedite these notifications.

422.72 DOCUMENTATION
Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the Dispatch Center was notified of the foreign national’s arrest/detention and his/her claimed nationality.
Rapid Deployment Team Policy

424.1 PURPOSE AND SCOPE
The current trend of violence in the workplace by any individual or group of individuals presents a difficult situation for law enforcement. The responsibility of law enforcement is, to the best of its ability, to protect the lives of every person involved in these types of circumstances and to control these situations to the degree that the responsible suspects are taken into custody and the scene is rendered safe.

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

(a) To obtain and maintain complete operative control of the incident
(b) To explore every source of available intelligence regarding the circumstances, location, and suspect(s) in the incident
(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s)
(d) Through the expertise of the members of this department and others attempt a negotiated surrender of the hostage(s) and the suspect(s)

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

424.3 PROCEDURE
If violent acts by the suspect continue, and lives are in imminent danger, a decision to advance on the suspect may be made by the officers at the scene. This decision should include the following considerations:

(a) If the officer is alone, can he/she wait for two or more officers to assist? It is highly recommended that any advance on a suspect be made in teams of two or more
(b) Develop and implement immediate and planned tactics and communicate this plan to others in the field and your supervisor
(c) Think about deploying rifles, shotguns, shields, control devices and any other appropriate tools that will provide you tactical advantage

424.31 DECISION TO ADVANCE ON SUSPECT
The decision to advance on the suspect(s) is a decision that the on-scene first responders must make. The multitude of variables in such a circumstance requires a rapid assessment of the situation, a decision as to the best tactics to implement and the timely action necessary to resolve the incident. The following are some examples:

(a) Barricaded suspect wait for additional assistance - probable SWAT response unless timely resolved
(b) Barricaded suspect with hostages and no harm done to the hostages - wait for additional assistance or SWAT response
Hillsborough Police Department

Rapid Deployment Team Policy

(c) Suspect actively shooting hostages or others in the area - take immediate action, if possible, to neutralize the threat presented by the suspect while calling for assistance.
Reporting Police Activity Outside of Jurisdiction

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

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

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

A case report of the officer’s actions shall be written by the officer, unless the creation of the report would interfere with the investigation of the incident or violate the officer’s legal rights. The report or other documentation shall be forwarded to the officer’s Division Commander.
Immigration Violations

428.1 PURPOSE AND SCOPE
The immigration status of individuals alone is not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of alien status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY
The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry, etc. When assisting ICE at their specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, United States Code, §§ 1304, 1324, 1325 and 1326 this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS
Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of the ICE has primary jurisdiction for enforcement of Title 8, United States Code.

428.31 BASIS FOR CONTACT
The fact that an individual is suspected of being an undocumented alien alone shall not be the basis for contact, detention, or arrest.

428.32 SWEEPS
The Hillsborough Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, socioeconomic status, or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, sexual orientation, etc.

428.33 ICE REQUEST FOR ASSISTANCE
If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or keep-the-peace efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.
**Immigration Violations**

**428.34 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 taken to the station and 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.

**428.35 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 (see Vehicle Code § 40302a, and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

**428.36 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.

If a person is detained pursuant to the authority of Vehicle Code § 40302(a), for an infraction that person may be detained upon approval of a supervisor for a reasonable period not to exceed two hours for the purpose of establishing his/her true identity. Regardless of the status of that person’s identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction involved.

**428.37 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT**
If an officer believes that an individual taken into custody for a felony is also an undocumented alien, after he or she is formally booked and there is no intention to transport to the County Jail, ICE may be informed by the arresting officer so that they may consider placing an “immigration hold” on the individual.

Whenever an officer has reason to believe that any person arrested for any offense listed in Health & Safety Code § 11369 or any other felony may not be a citizen of the United States, and the individual is not going to be booked into County Jail, the arresting officer shall cause ICE to be notified for consideration of an immigration hold.

In the event an individual, who is an undocumented alien, is taken to the County Jail for booking for a criminal charge, he/she will be automatically interviewed by an employee from ICE.

**428.38 DETERMINATION OF IMMIGRANT STATUS**
Determination of immigration status is primarily the jurisdiction of the U.S. Immigration and Customs Enforcement. Title 8, United States Code, § 1304(e), provides: “Every alien, 18-years of age and over, shall at all times carry with him and have in his or her personal possession any certificate of alien registration or alien registration receipt card issued to him pursuant to subsection (d) of this section. Any alien who fails to comply with the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction for each offense be fined not to exceed $100 or be imprisoned not more than 30 days, or both.”
The Hillsborough Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any subject. Race, gender, religion, sexual orientation, age, occupation or other arbitrary aspects are of no bearing on the decision to arrest.
Emergency Utility Service

430.1 PURPOSE AND SCOPE
The Town Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.11 BROKEN WATER LINES
The Town’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 Town side of the meter, emergency personnel should be called as soon as practical by the Dispatch Center.

430.12 ELECTRICAL LINES
Town Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

430.13 RESERVOIRS, PUMPS, WELLS, ETC.
Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.14 EMERGENCY NUMBERS
A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Dispatch Center.

430.2 ADDITIONAL PUBLIC WORKS FUNCTIONS
Hillsborough Police Personnel may call upon Hillsborough Public Works for assistance with downed trees, broken or leaking fire hydrants, ice on the roadways, or prolonged traffic control duties in the event of a collision or natural disaster.
Patrol Rifles

432.1 PURPOSE AND SCOPE
In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Hillsborough Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.21 DEFINITION
A patrol rifle is a semi-automatic or automatic rifle which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun.

432.3 SPECIFICATIONS
Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the Department may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Ar-15 type rifle. Other rifles may be approved as necessary.

432.4 RIFLE MAINTENANCE
(a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or armorer who shall inspect and service each patrol rifle on a monthly basis.
(b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
(d) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster or Armorer at any time.
(e) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or armorer.

432.5 TRAINING
Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. Officers shall thereafter be required to successfully complete yearly training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user’s course and qualification.

432.6 DEPLOYMENT OF THE PATROL RIFLE
Officers may deploy the patrol rifle in any circumstance where the officer 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:
Hillsborough Police Department

Patrol Rifles

(a) Situations where the officer reasonably anticipates an armed encounter
(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range
(c) Situations where an officer reasonably expects the need to meet or exceed a suspect’s firepower
(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage
(e) When an officer reasonably believes that a suspect may be wearing body armor
(f) When authorized or requested by a supervisor

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department’s Deadly Force Policy, Policy Manual § 300.

432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:

(a) The chamber is empty
(b) The rifle bolt is forward with the hammer down
(c) The rifle safety is off
(d) There is a fully loaded magazine in the rifle with no more than 18 rounds
(e) The dust cover is closed
(f) The rifle is stored in the locked patrol vehicle’s rifle rack

432.9 RIFLE STORAGE

When not in use, patrol rifles will be stored in the department armory or in patrol car racks.
Aircraft Accidents

434.1 PURPOSE AND SCOPE
This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

434.2 RESPONSIBILITIES
In the event of an aircraft crash the employee responsibilities are as follows:

434.21 POLICE OFFICER DUTIES
The duties of the field officer at the scene of an aircraft accident include:

(a) Determine the nature of the accident and what assistance is needed from additional personnel
(b) Request additional personnel to respond as needed
(c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel
(d) Once emergency medical assistance is established by the Fire Department, seal off the area and contain it for the on-scene investigation
(e) Provide crowd control and other assistance until directed otherwise by a supervisor;
(f) Contact the Coroner’s office if a death(s) occurs.

The Fire Department maintains control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Police personnel will then maintain control of the scene until the arrival of the detectives charged with determining the cause of the accident. Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An Airport Service Worker or the Airport Manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.22 FEDERAL AVIATION ADMINISTRATION (FAA)
The FAA has the ultimate authority for the scene of an aircraft crash. The FAA is concerned with several aspects of a crash as described in this section.

Every effort should be made by officers at the scene of an injury or fatality to preserve all crash debris in its original condition and location until examined by personnel charged with determining the cause of the accident. Officers present at the location of such accident should treat the situation as a crime scene until it is determined that such is not the case. Once the injured parties are removed from danger, control of the accident scene is the responsibility of the Police Department until the arrival of FAA personnel who will conduct the investigation into the cause of the accident.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants and protecting the public from further danger. If possible, any intentions to tamper with or move an aircraft involved in an accident should be cleared with the FAA investigator in advance.
Aircraft Accidents

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If no injury or death results and the FAA elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the FAA or military authorities, or at the discretion of the pilot or the owner, if the FAA is not responding for an on-site investigation.

434.23 THE DISPATCH CENTER RESPONSIBILITIES
Dispatchers are responsible to make notifications as directed 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. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department
(b) The affected airport tower
(c) Closest military base if a military aircraft is involved
(d) Ambulances or other assistance as required

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

434.24 RECORDS SUPERVISOR RESPONSIBILITIES
The Records Supervisor is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics
(b) Forward a copy of the report to the Patrol & Investigations Division Commander and the manager of the affected airport

434.25 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his or her designee
(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy. The Public Information Officer should coordinate the release of such information with the FAA Press Information Officer.

434.3 DOCUMENTATION
Any aircraft accident (crash) within the Town, regardless of whether injuries or deaths occur, shall be documented.
Field Training Officer Program

436.1 PURPOSE AND SCOPE
The Field Training 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 Hillsborough Police Department.

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

436.2 FIELD TRAINING OFFICER
The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills. All Corporals shall serve as FTOs.

436.21 TRAINING
An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer’s Course prior to being assigned as an FTO.

All FTO’s must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR
The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Patrol & Investigations Division Commander or his/her designee and shall possess a POST Supervisory Certificate.

The FTO Program supervisor shall have the responsibility of, but not be limited to the following:

(a) Assignment of trainees to FTO’s
(b) Conducting FTO meetings
(c) Maintain and ensure FTO/Trainee performance evaluations are completed
(d) Monitor individual FTO performance
(e) Monitor overall FTO Program
(f) Maintain liaison with other agency’s FTO Coordinators
(g) Develop ongoing training for FTO’s

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.

436.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the Hillsborough Police Department who has successfully completed a POST approved Basic Academy.
436.5 REQUIRED TRAINING
Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for a lateral officers may be modified depending on the trainee’s demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

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

436.61 FIELD TRAINING OFFICER
(a) FTO’s shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.
(b) FTO’s shall review the Daily Trainee Performance Evaluations with the trainee each day.
(c) A detailed end-of-phase performance evaluation on their assigned trainee shall be completed by the FTO at the end of each phase of training.
(d) FTO’s shall be responsible for signing off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

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

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

436.64 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO’s and on the Field Training Program.

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

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

438.1 PURPOSE AND SCOPE
The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.21 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

438.22 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.
Field Interviews & Photographing of Field Detainees

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

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

Field Photographs - Field photographs are defined as a photograph taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual are not considered field photographs.

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

Reasonable Suspicion - Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed.

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

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

440.31 INITIATING A FIELD INTERVIEW
Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a suspect if he has articulable, reasonable suspicion to do so. A suspect however, should not be detained longer than is reasonably necessary to determine the individual's identity and resolve the officer's suspicions.

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

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

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

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

440.51 PHOTOS TAKEN WITH CONSENT
Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

440.52 PHOTOS TAKEN WITHOUT CONSENT
Field photographs may be taken without consent only if the photograph is taken during a detention based upon reasonable suspicion of criminal activity, and:

(a) The photograph serves some legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. There must be some facts that reasonably indicate that the subject was involved in or about to become involved in criminal conduct.
(b) The officer can articulate a reasonable suspicion that the individual is somehow involved in criminal activity.
Field Interviews & Photographing of Field Detainees

If, prior to taking a photograph, the officer’s reasonable suspicion of criminal activity has been dispelled, a non-custodial photograph shall not be taken. Further, no detention shall be prolonged for the sole purpose of taking a photograph.

440.6 SUPERVISOR RESPONSIBILITY

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

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card, incident report, or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph.

After reviewing the photograph and related material, the Watch Commander shall forward it to the Records Bureau or, when appropriate, directly to the case detective for further processing.

When a photograph is taken in association with a particular case, the detective 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 will be kept in the Records Bureau in a separate non-booking photograph file in alphabetical order.

440.71 PURGING THE FIELD PHOTO FILE

The Records Supervisor will be responsible for periodically purging and destroying all such photographs more than one year old. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of contact. The request to review the status of the photograph/FI shall be directed to the office of the Chief of Police. Upon a verbal request, the Department shall send a request form to the requesting party along with a copy of this policy.

440.81 REVIEW PROCESS

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

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

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

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

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

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

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

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

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

442.1 PURPOSE AND SCOPE
It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code §§ 186.20 through 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to establish a procedure that will be used to develop a file of information and maintain this file so that the information contained therein may be used for enhancing criminal prosecution of criminal street gang participants.

442.2 DEFINITIONS
(a) Pattern of Criminal Gang Activity - Shall mean the commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

(b) Criminal Street Gang - Shall mean any on-going organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Policy Manual § 442.2(a) of this policy, and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

(c) Gang Related Crime - Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS
The Gang Information 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 in Policy Manual § 442.2(a)
   3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2(a) of this policy
   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 one or more of the following elements have been verified by a Gang Information Unit member 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

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

(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.

442.4 CRIMINAL STREET GANG FILE
A file of criminal street gang participants shall include:

(a) Names, aliases, monikers, addresses, and other relevant identifying information;
(b) Gang name;
(c) Justification used to identify an individual as a criminal street gang participant;
(d) Vehicle(s) known to be used;
(e) Cross references to other identified gangs or gang members.

442.5 FIELD CONTACTS
(a) Field Interviews
1. Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a F.I. card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

(b) Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

442.6 NOTIFICATION TO PARENT OR GUARDIAN
When an inquiry is made by a parent or guardian as to whether a juvenile’s name is in the criminal street gang participant’s file, such information shall be provided by the unit
supervisor, unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

442.7 REVIEW AND PURGING OF GANG PARTICIPANT FILE

The file shall be reviewed annually by the unit supervisor. Each individual file having no entry indicating law enforcement contact for the preceding year’s period shall be purged from the file and disposed of in accordance with the Department purge criteria.

Exception: In the event there is a legitimate law enforcement reason to retain the information in the file, an explanation for doing so shall be entered in the file by the unit supervisor. Files that are retained beyond the one-year period shall be reviewed every six months to determine if they should be purged.

442.8 DISSEMINATIONS OF THE FILE INFORMATION

Information from criminal street gang participant files may be furnished to Department personnel and other public law enforcement agencies only on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or in the investigation of gang-related crimes shall be released to members of this department and other law enforcement agencies.

442.9 REPORTING CRITERIA AND ROUTING

(a) Suspicious incidents, information reports and criminal incidents that appear to be criminal street gang related shall be documented on a report form.

1. The reporting officer shall describe why the incident may be criminal street gang related and document statements, actions, dress, etc. that would tend to support the belief that involvement of a criminal street gang has occurred.

2. The officer shall specifically indicate that a copy of the report be routed to the Gang Unit.

(b) Officers completing a field interview card under the guidelines above shall photocopy the card and deliver it to the Gang Unit.

If it is determined that it is preferable to take field photographs with a 35 mm camera rather than a Polaroid, deliver the exposed film to the property officer for developing, and indicate to the property officer that the photographs are criminal street gang related, and to forward them to the Gang Unit.
Watch Commanders

444.1 PURPOSE AND SCOPE
Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

444.2 DESIGNATION AS ACTING WATCH COMMANDER
When a Sergeant is unavailable for duty as Watch Commander, in most instances the senior qualified corporal shall be designated as acting Watch Commander. This policy does not preclude designating a less senior corporal as an acting Watch Commander when operational needs require or training permits.
Mobile Audio Video Procedure

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

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

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

(a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:
   1. Vehicular pursuits
   2. Suspicious vehicles
   3. Arrests
   4. Pedestrian checks
   5. DUI investigations including field sobriety tests
   6. Consensual encounters
   7. Responding to an in-progress call

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

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

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

446.22 WHEN ACTIVATION NOT REQUIRED
Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol.

Absent legal cause or lawful order, no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties.

446.3 REVIEW OF MAV RECORDINGS
Recordings may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of officer conduct
(b) By a department detective after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
(c) By department personnel who request to review their own recordings
(d) By court personnel through proper process or with permission of the Chief of Police or his/her designee
(e) By media personnel with permission of the Chief of Police or his/her designee
(f) Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to staff to determine if the training value outweighs the officer’s objection for not showing the recording.

Employees desiring to view any MAV recording shall submit a request in writing to the Watch Commander.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

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

446.5 VIDEO MEDIA STORAGE & INTEGRITY
Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in as evidence will be retained for a minimum of one year after which time they will be erased, destroyed, or recycled.

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

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

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

450.1 PURPOSE AND SCOPE
The Hillsborough Police Department has provided each of its sworn members with access to audio recorders for use while on-duty. These recorders are intended to assist officers in the performance of their duties by providing an unbiased audio record of a contact.

450.2 NON-UNIFORMED OFFICER RESPONSIBILITIES
Any officer assigned to non-uniformed positions may carry a departmentally issued audio recorder at any time the officer believes that such a device may be beneficial to the situation.

At the beginning of any recording, the officer shall dictate his/her name, serial number and the current date and time. At the conclusion of the date or particular shift, the officer shall record the ending date and time.

Each officer shall be responsible for maintaining his/her own recordings until the media is either full or placed into evidence/safekeeping.

450.3 ACTIVATION OF THE AUDIO RECORDER
Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

(a) No member of this department may surreptitiously record a 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).

(b) Any member of this department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

1. For the purpose of this policy, any officer contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.

2. For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted audio recorder will have knowledge that such a contact is being recorded.

(c) Members of the Department are encouraged to activate their recorders at any time that the officer reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.

1. At no time should an officer jeopardize his/her safety in order to activate a recorder or change the recording media.

2. Officers are prohibited from utilizing department recorders and recording media for personal use.
Use of Audio Recorders

450.4 RETENTION OF RECORDING MEDIA
At any time that an officer records any portion of a contact which the officer reasonably believes constitutes evidence in a criminal case; the officer shall record the related case number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

(a) The officer shall further note in any related report that the recording has been placed into evidence.

(b) Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

450.41 NON-CRIMINAL MATTER
At any time that an officer reasonably believes that a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the officer may book the recording media into safekeeping or download the file in accordance with current procedure for storing digital files.

(a) Under such circumstances, the officer shall notify a supervisor of the existence of the recording as soon as practicable.

(b) Recording media which have been placed into safekeeping shall be retained for a period of no less than 180 days or until the related matter has been closed (e.g., internal investigation, civil litigation).

Once any recording medium has been filled, the officer shall place it into safekeeping or download the file in accordance with current procedure for storing digital files where it shall be retained for a period of no less than 180 days unless utilized in a specific case.

450.5 REVIEW OF RECORDED MEDIA FILES
Recorded files may be reviewed in any of the following situations:

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

(b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation

(c) By the personnel who originally recorded the incident

(d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case

(e) By media personnel with permission of the Chief of Police or authorized designee
Medical Marijuana

452.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under California's Compassionate Use Act (Health & Safety Code § 11362.5) and criminal narcotics violations.

452.2 ENFORCEMENT
Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

(a) California does not provide any exception for individuals driving under the influence of marijuana and all such cases should be handled with appropriate enforcement action (e.g., Vehicle Code § 23152, et seq.).

(b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed for personal use should be handled as criminal cases with appropriate enforcement action taken pursuant to Health & Safety Code § 11357, 11358 and 11359.

1. Unless a doctor has expressly prescribed a greater amount, no qualified patient or primary caregiver may possess more than eight ounces of dried marijuana per individual Health & Safety Code § 11362.77(a).

2. A qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per individual.

(c) In any case involving the possession or cultivation of marijuana, the handling officer should inquire whether or not the involved individual(s) is claiming that the marijuana is for medicinal purposes.

1. If no such claim is made, the officer should proceed with normal enforcement action.

2. If a claim of medicinal use is made, the officer should proceed as outlined below.

452.3 MEDICINAL USE CLAIMS
In order to qualify for a medicinal marijuana defense, the individual(s) making such a claim must affirmatively establish the following information. If the individual(s) cannot or will not provide all of the required information, the officer should note such in any related report and proceed with appropriate enforcement action.

452.31 PATIENTS
(a) An individual may establish his/her status as a qualified patient by presenting a current and valid identification card issued by the Department of Health (Health & Safety Code § 11362.735). Such identification cards shall contain the following information:

1. A unique serial number.

2. An expiration date.

3. The name and telephone number of the county health department approving the application.
Medical Marijuana

4. A 24-hour toll-free number for law enforcement to verify the validity of the card.
5. A photograph of the cardholder.

No officer shall refuse to accept a properly issued identification card unless the officer has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently (Health & Safety Code § 11362.78).

(b) If the individual does not possess a valid identification card, the individual claiming status as a “qualified patient” must minimally provide the following information:
1. Satisfactory identification establishing current residency in California.
2. A current and valid recommendation for marijuana from a California licensed physician.
3. In the absence of a valid identification card, the handling officer should also obtain a written waiver from the involved individual(s) authorizing the release of all related medical records.

452.32 PRIMARY CAREGIVERS
Primary caregivers are subject to the following requirements (Health & Safety Code 11362.765):

(a) A primary caregiver is not authorized to use, sell, or possess marijuana for sale.
(b) Must provide sufficient proof that he/she is responsible for the patient’s housing, health and/or safety.
(c) Must provide sufficient proof of personal knowledge of the patient’s medical needs and the details of the attending physician’s recommendation.

452.33 CLAIM REQUIREMENTS MET
Once the handling officer is satisfied that the individual(s) making a medicinal marijuana use claim meets the above requirements, the officer should proceed as follows:

(a) A sample of the involved marijuana should be seized and booked into evidence.
(b) Any small amount of marijuana left in possession of a qualified individual for the limited purpose of medicinal use should be described and noted in the related report.
(c) If the handling officer has already taken the individual(s) into custody (vs. detention only) prior to establishing qualification for a potential medicinal use defense and there are no other criminal charges pending or being investigated, the individual(s) should be released pursuant to Penal Code § 849(b).
(d) If the individual remains in custody on any charge(s), the individual will not be permitted to use marijuana while being detained or held in jail or other law enforcement facility (Health & Safety Code § 11362.785(c)).
(e) The handling officer shall complete a timely report which will be submitted to the District Attorney with all of the aforementioned documentation for a determination of whether or not the medicinal marijuana defense will apply.

452.34 RETURN OF MARIJUANA
Regardless of the prosecution status or disposition of any related criminal case, this department will not be responsible for the return of any marijuana seized as evidence unless presented with a valid court order requiring same. (Health & Safety Code § 11362.785(d))
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 Hillsborough 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 citizen requests, construction zones or special events.

500.3 ENFORCEMENT
Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.31 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.
500.32 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

500.33 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

502.1 PURPOSE AND SCOPE
The Hillsborough Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY
The Traffic Bureau Manager will be responsible for distribution of the Collision Investigation Manual. The Traffic Bureau Manager will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING
All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Traffic Bureau Manager will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Patrol & Investigations Division Commander, or other persons as required.

502.4 REPORTING SITUATIONS

502.41 TRAFFIC COLLISIONS INVOLVING TOWN VEHICLES
Traffic collision investigation reports shall be taken when a Town-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a Town vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.42 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Hillsborough Police Department resulting in a serious injury or fatality, the Traffic Bureau Manager or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

502.43 TRAFFIC COLLISIONS WITH OTHER TOWN EMPLOYEES OR OFFICIALS
The Traffic Bureau Manager or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any Town official or employee where a serious injury or fatality has occurred.

502.44 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to
Traffic Collision Reporting

any person involved, a hit and run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

502.45 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision
(b) When there is an identifiable violation of the Vehicle Code
(c) When a report is requested by any involved driver

502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION
In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Bureau Manager to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Bureau Manager, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.
Vehicle Towing Policy

510.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Hillsborough Police Department.

510.2 RESPONSIBILITIES
The responsibilities of those employees storing or impounding a vehicle are as follows.

510.21 COMPLETION OF CHP FORM 180
Department members requesting storage of a vehicle shall complete CHP form 180, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Bureau as soon as practical after the vehicle is stored.

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.

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or for information 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 Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent by first-class mail pursuant to Vehicle Code § 22852.

510.22 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION
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 Dispatch 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 Town of Hillsborough. The officer will then store the vehicle using a CHP form 180.

510.23 DRIVING A NON-CITY VEHICLE
Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

510.24 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.

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Vehicle Towing Policy

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.

510.3 TOWING SERVICES
The Town of Hillsborough periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:
(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action
(b) When a vehicle is being held as evidence in connection with an investigation
(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations

Nothing in this policy shall require the Department to tow a vehicle.

510.4 STORAGE AT ARREST SCENES
In the interest of protecting personal property of arrestees, it is the general policy of this department to store vehicles driven by persons who are arrested. When appropriate, and at the arrestee’s request, officers retain the discretion not to store the arrestee’s vehicle. Whenever a vehicle is needed for the furtherance of the investigation or prosecution of the case, the vehicle shall be stored. The following examples are situations where the arrestee’s vehicle might not be stored:
• 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

If, at the owner’s request the vehicle is left at the scene, it shall be parked in a lawful manner and secured. The owner shall be advised that the Department will not be responsible for theft or damage to the vehicle. In the event the vehicle is towed, the owner should be informed that the Department will not be responsible for towing or storage fees.

510.5 VEHICLE INVENTORY
All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner’s property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.6 VEHICLE SEARCHES
Vehicles may be searched when one or more of the following conditions are met:
(a) When probable cause to search the vehicle exists.
(b) With consent of the operator.
(c) Incident to an arrest of the occupants of the vehicle.
Vehicle Towing Policy

(d) To search for weapons.
(e) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
(f) Under emergency circumstances not otherwise enumerated above.
(g) Pursuant to a valid search warrant.

510.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.
Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the Hillsborough Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent.

512.21 HEARING PROCEDURES
The vehicle storage hearing is an informal process to evaluate the validity of a stored or impounded vehicle. Any relevant evidence may be submitted and reviewed by the hearing officer to determine if the vehicle in question was lawfully stored or impounded, in accordance with Hillsborough Police Department policies and procedures. 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, writing, or by telephone within ten days of the date appearing on the notice. The Watch Commander will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle storage/impound hearing officer shall consider all information provided and determine the validity of the storage or impound of the vehicle in question and then render a decision.

If a decision is made that the vehicle was stored or impounded within the law and department policy, the hearing officer shall advise the inquiring party that they may pursue civil litigation, if they so desire.

A decision that the vehicle was not stored or impounded in a lawful manner or within department policy will require that the vehicle in storage be released immediately. Towing and storage fees will be paid at the Department's expense.

If a decision is made that the vehicle was not stored or impounded in a lawful manner or within department policy, 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.
Drunk Driving and Evidence Collection

514.1 PURPOSE AND SCOPE
This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated, unconscious drivers, and unconscious pedestrians involved in traffic collisions because of their intoxicated state.

514.2 CHEMICAL TESTING
Most blood, breath, and urine tests will be administered within the jail. If a suspect is hospitalized, a blood sample may be taken at the hospital. A suspect who is unable to submit to a chemical test because of any of the following shall not be considered as refusing to comply with the provisions of Vehicle Code § 13353:

- Because of the inability of the Department to furnish a selected test
- If there are verifiable medical reasons for non-compliance
- If an attending physician refuses to allow it

514.21 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL
Based on probable cause, the officer should place the hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intention to administer a chemical test to the suspect. Unless the attending physician objects for medical reasons, the blood or urine samples will be collected in the prescribed manner.

514.22 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL
When there is probable cause to believe that an unconscious driver is under the influence, there is no method of informing the individual of the arrest; nor can there be any verbal consent on the part of the suspect to allow one of the two possible chemical tests at the hospital to determine his/her blood alcohol level. This presents an exigent situation, which excuses the requirement of consent. The officer shall advise the attending physician of the intention to collect a sample of the suspect’s blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner.

514.23 UNCONSCIOUS PEDESTRIAN AT A HOSPITAL
When there is probable cause to believe that an unconscious pedestrian has been involved in a traffic collision because of his/her intoxicated condition, a blood sample may be extracted as evidence. The officer shall advise the attending physician of his/her intention to extract a blood sample, and unless the physician objects for medical reasons, the sample will be collected in the prescribed manner.

514.24 EMERGENCY DOCTRINE
Under the emergency 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. Policy Manual §§ 514.22 and 514.23 of this chapter come within the guidelines of the emergency doctrine.
514.25 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 the jail, the withdrawal of the blood sample shall be witnessed by the assigned officer.

514.26 FORCED WITHDRAWAL OF BLOOD

Blood may be taken by force in any felony or in a misdemeanor drunk driving investigation when the suspect, after having been advised of his or her rights per Vehicle Code § 13353, refuses to take a chemical test. If the suspect makes a timely and reasonable request to undergo a different and viable form of testing, such request shall be considered. Blood may only be taken by force when the following circumstances have been met:

- The suspect must be in custody and the officer must have reason to believe the suspect is intoxicated
- The blood is taken in a medically approved manner
- Only reasonable force may be used to restrain the arrestee

A supervisor shall be present when blood is forcibly extracted from a suspect who is uncooperative or has refused a chemical test. The amount of force used to accomplish the collection of this evidence will be controlled by that supervisor, keeping in mind the following:

(a) In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn will be permitted;

(b) In misdemeanor cases, the suspect shall be handcuffed behind his/her back while seated on a chair or bench while the blood is being withdrawn. If the suspect becomes violent to the extent that he/she cannot be controlled then additional force will not be used and a refusal noted in the report.

The department approved phlebotomy technician shall retain and transport all blood samples to the crime laboratory for analysis.

When a suspect 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.

514.27 COLLECTING BREATH AS EVIDENCE

If the arrested person chooses a breath test and it can be accomplished without undue delay, the arrested person shall first be transported to the jail for booking preparatory to the collection of breath samples. At the jail, an officer trained in the use of the alcohol breath machine will record the blood alcohol level by obtaining samples of the suspect’s breath.
Traffic Citations

516.1 PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES
The Traffic Bureau Manager shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS
Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Patrol & Investigations 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 Patrol & Investigations Division Commander for review.

516.4 VOIDING TRAFFIC CITATIONS
Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Chief of Police.

516.5 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 letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Bureau. The Traffic Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.
Traffic Citations

516.6 DISPOSITION OF TRAFFIC CITATIONS
The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Bureau.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.71 APPEAL STAGES
Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Hillsborough 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.

516.72 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 days of issuance of the notice of parking violation, or within ten days of the mailing of the Notice of Delinquent Parking Violation.

(b) Requests for administrative hearings must be postmarked within 15 days of the notification mailing of the results of the administrative review.

(c) Requests for appeal to the Superior Court must be made within 20 days of the mailing of the administrative hearing results.

(d) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address, and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

516.73 COSTS
(a) There is no cost for an administrative review.
Traffic Citations

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant’s liability is overruled by the Superior Court.

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.
Disabled Vehicles

520.1 PURPOSE AND SCOPE
Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITY
When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE
In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.31 MECHANICAL REPAIRS
Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.
72-Hour Parking Violations

524.1 PURPOSE AND SCOPE
This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Hillsborough Town Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669.

524.2 MARKING VEHICLES
Vehicles suspected of being in violation of the Town of Hillsborough 72-Hour Parking Ordinance shall be marked and noted on the Hillsborough Police Department Marked Vehicle Sticker. No case number is required at this time.

A visible chalk mark should be placed on the tires of the vehicle.

All Marked Vehicles should be noted on the tour for follow-up and towing.

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 Sticker completed.

Parking citations for the 72-hour parking ordinance may be issued when the vehicle is stored for the 72-hour parking violation.

524.21 VEHICLE STORAGE
Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Dispatcher immediately following the storage of the vehicle. It shall be the responsibility of the Dispatcher 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 Dispatcher 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).
Administrative Per Se Law (APS)

526.1 PURPOSE AND SCOPE
This policy provides for the immediate suspension of California driver’s licenses in certain Driving Under the Influence (DUI) cases and in Zero Tolerance incidents. Vehicle Code §§ 13382 (a) and (b), and 13388 (b) require that peace officers immediately suspend driving privileges in certain situations involving arrests for Vehicle Code §§ 23152 and 23153. This policy also describes the policy dealing with Zero Tolerance laws.

526.2 SUSPENSION OF CALIFORNIA DRIVER’S LICENSES
The driver’s license of a person suspected of driving under the influence of alcohol, shall immediately be suspended under any of the following circumstances:
(a) The arrestee refuses to submit to a chemical test
(b) The arrestee fails to complete the selected test
(c) The arrestee declines a breath test and demands a blood or urine test, and, the arresting officer has reasonable cause to believe that the arrestee’s Blood Alcohol Content (BAC) will exceed the .08-percent level
(d) The arrestee completes the breath tests which show a BAC of .08-percent or higher

526.21 ZERO TOLERANCE LAW
Vehicle Code §§ 23136 & 23140 were enacted to reduce alcohol related incidents by persons under the age of 21-years. A person under 21-years years of age may have his or her license suspended under the following circumstances:
(a) When suspected of consuming alcohol and refusing a PAS test
(b) Who has a blood-alcohol level of .01-percent or greater

Zero Tolerance requires a Preliminary Alcohol Screening (PAS) device as the primary test. If the device is not available, one of the other chemical tests must be completed. Under Zero Tolerance, only the PAS device result is required. If, based on the PAS results, the driver’s blood alcohol reading warrants arrest and further chemical testing, the Department of Motor Vehicles does not require completion of the chemical test section of the DS367m form. Once the PAS certification is complete, the Zero Tolerance requirement has been met.

526.3 PEACE OFFICER’S RESPONSIBILITY
In any of the above situations, the peace officer, acting on behalf of the Department of Motor Vehicles, shall do the following:
(a) Confiscate any California driver’s license(s) in the possession of the driver. If the subject has an Admin Per Se (APS) temporary license document, do not confiscate.
(b) Complete and serve the Administrative Per Se Order of Suspension (DMV form DS367, DS367m or DS367s - Officer’s Statement and Order of Suspension), 4th page on the driver, regardless of license status.
(c) The officer will inform the driver that the “Administrative Per Se Order of Suspension", form DS367, DS367m or DS367s’ along with his/her violator’s notice to appear (except Zero Tolerance) or other release from custody document, will serve as the driver’s temporary license. If the driver’s privilege to drive is suspended or revoked,
the order will not be a valid temporary license. If the subject presents an Admin Per Se suspension order/temporary license, do not confiscate the order but do issue another order pursuant to the current DUI arrest.

526.4 DEPARTMENT OF MOTOR VEHICLES NOTIFICATION
The following specified items must be forwarded to the Department of Motor Vehicles within five regular business days:

(a) Officer’s Statement form DS367 or DS367m (Minor) or DS367s (Spanish)
(b) Order of suspension (form DS367, DS367m or DS367s, pages 2 and 3)
(c) Copy of the printout of the breath test (if taken)
(d) Traffic collision report if applicable
(e) The offender’s driver’s license

526.5 PROCESSING OF FORMS
In order to ensure that the Department of Motor Vehicles and Police Department forms are routed properly, the following responsibilities are identified:

526.51 SUPERVISORY APPROVAL
The Watch Commander, or the supervisor responsible for approving reports, shall collect the documents described in Policy Manual § 526.4, review for completeness (dates, times, signatures, etc.) and forward the originals of the documents to the Traffic Bureau.

526.52 DISPATCH/RECORDS BUREAU RESPONSIBILITY
The Dispatcher/Records Bureau is responsible for the following:

(a) Copies of documents required by DMV are to be made for the department files and the originals are then to be forwarded to the Department of Motor Vehicles;
(b) Providing a copy of DMV form DS367, DS367m or DS367s to the Records Bureau
(c) One copy of the Forensic Alcohol Examination Report shall be attached to the second copy of form DS367, which shall then be forwarded to the Records Bureau

If the Department of Motor Vehicles should return form DS367, DS367m or DS367s for corrections, the Traffic Bureau must notify the officer who made the arrest of the needed corrections. The officer shall make the corrections by lining out the incorrect information with a single line and initializing above the corrected area, including the date the correction was made. White out and strikeouts are not acceptable forms of correction. The form(s) shall then be returned to the Traffic Bureau to be returned to the Department of Motor Vehicles.

526.53 INSPECTOR’S RESPONSIBILITY
It is the responsibility of the Inspector or other available officer to promptly deliver physiological specimens to the designated crime lab as soon as possible after receipt to ensure that the above time requirements are met.
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED
Employees are not authorized to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. 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 made to the District Attorney’s Office or City Attorney’s Office only as authorized by a Division Commander or the Chief of Police.
Sexual Assault Victims’ DNA Rights

602.1 PURPOSE AND SCOPE
Consistent with Penal Code § 293 and the Sexual Assault Victims’ DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.21 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 their 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 § (a) and (b)).

(a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

602.22 OFFICER RESPONSIBILITY
Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned officer shall accomplish the following:

(a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).

(b) If victim is transported to a hospital for any medical evidentiary or physical examination the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).

1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).

2. A support person may be excluded from the examination by the officer or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

(a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) 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(1)(A) and (B).
Sexual Assault Victims’ DNA Rights

(b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).

(c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned officer shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

602.4 VICTIM NOTIFICATION OF DNA STATUS

(a) Upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim’s case.

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 victim’s 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:

1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.

2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.

(c) Provided that the sexual assault victim or victim’s designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or victim’s designee shall, upon request, be advised of any known significant changes regarding the victim’s case.

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 to or expected to release any information which might impede or compromise any ongoing investigation.

602.5 DESTRUCTION OF DNA EVIDENCE

If, with the approval of a supervisor, it is determined that rape kit evidence or other crime scene evidence from an unsolved sexual assault is going to be destroyed or disposed of prior to the expiration of the statute of limitations set forth in Penal Code § 803, the assigned officer shall provide the victim of the sexual assault with written notice of the intent to do so no less than sixty (60) days prior to the destruction or disposal of such evidence.
Confidential Informants

608.1 PURPOSE AND SCOPE
In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Hillsborough Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM
The Investigation Bureau Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.21 FILE SYSTEM PROCEDURE
Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant’s name and/or aliases
(b) Date of birth
(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
(d) Current home address and telephone numbers
(e) Current employer(s), position, address(es) and telephone numbers
(f) Vehicles owned and registration information
(g) Places frequented
(h) Informant’s photograph
(i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant’s file is marked as "Unreliable"
(j) Name of officer initiating use of the informant
(k) Signed informant agreement
(l) Update on active or inactive status of informant

The informant files shall be maintained in a secure area within the Investigation Bureau. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Division Commander, the Investigation Bureau Supervisor, or their designees.

608.3 USE OF INFORMANTS
Before using an individual as a confidential informant, an officer must receive approval from the Investigation Bureau Supervisor. The officer shall compile sufficient information...
through a background investigation in order to determine the reliability and credibility of the individual.

608.31 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile’s participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.41 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Hillsborough Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Hillsborough Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors
(b) Identities of informants shall otherwise be kept confidential
(c) Criminal activity by informants shall not be condoned
(d) Informants shall be told they are not acting as police officers, employees or agents of the Hillsborough Police Department, and that they shall not represent themselves as such
(e) The relationship between officers and informants shall always be ethical and professional
(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Investigation Bureau supervisor
(g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Investigation Bureau Supervisor. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer, whenever possible
Confidential Informants

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES
The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.51 PAYMENT PROCEDURE
The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant’s personal involvement in the case
- The quality of the violator arrested
- The amount of assets seized
- The quantity of the drugs seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Investigation Bureau Supervisor will discuss the above factors with the Patrol & Investigations Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

608.52 CASH DISBURSEMENT POLICY
The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of $150,000.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of $30,000.

608.53 PAYMENT PROCESS
A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the City Manager’s signatures are required for disbursements over $500. Payments $500 and under may be paid in cash out of the Investigation Bureau Buy/Expense Fund. The Investigation Bureau Supervisor will be required to sign the voucher for amounts under $500.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Hillsborough Police Department case number shall be recorded on the cash transfer form. The form will be kept in the confidential informant’s file.
Confidential Informants

If the payment amount exceeds $500.00, a complete written statement of the confidential informant’s involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.
Chapter 7 - Equipment
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY
Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee’s intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee’s immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor’s report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.
700.31 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.

700.41 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the Town, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor’s written report, shall promptly be forwarded to the appropriate Division Commander.
Personal Communication Devices

702.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of departmentally issued mobile phones and personal communication devices, and the on-duty use of such devices personally owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all personal communication devices (PCD's) as such, but is intended to include all mobile phones, PDA's, and other such wireless two way communication devices.

702.2 DEPARTMENTALLY ISSUED PCD
Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a personal communication device (PCD). Such devices shall remain the sole property of the Department and shall be subject to inspection or monitoring (including related records) at any time.

702.21 INDIVIDUALLY OWNED PCD
Employees may carry their own individually owned PCD while on duty subject to the following conditions:

(a) Carrying an individually owned personal communication device is optional.
(b) The device shall be purchased, used and maintained at the employee's expense.

702.22 USE OF PERSONAL COMMUNICATION DEVICES
PCDs should be used by officers to effectively 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) The device shall not be carried in a manner that allows it to be generally visible while in uniform.
(b) PCD's may not be used to conduct personal business while on duty except when brief personal calls may be warranted by the circumstances (e.g. inform family of extended hours). While employee's may use individually owned PCD's for personal business during authorized breaks, such usage should be limited as much as practical to areas where the call will not be seen or heard by members of the public.

While the use of departmentally issued PCDs and personally owned PCDs while on duty is limited to official business only, it is recognized that circumstances may occasionally warrant brief personal communications on such devices (e.g. inform family of extended hours). Extended or frequent use of departmentally issued PCDs or personally owned PCDs while on duty for personal use may be subject to discipline and employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

702.23 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.
**Personal Communication Devices**

Employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving (Vehicle Code 23123 (a)).

### 702.24 OFFICIAL USE

The use of personal communication devices may be appropriate the following situations:

(a) Barricaded suspects.
(b) Hostage situations
(c) Mobile Command Post.
(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
(e) Major political/community events.
(f) Investigative stakeouts where regular phone usage is not practical.
(g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.
(h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.
Vehicle Maintenance

**704.1 PURPOSE AND SCOPE**
Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

**704.2 DEFECTIVE VEHICLES**
When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

**704.3 VEHICLE EQUIPMENT**
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

**704.31 PATROL VEHICLES**
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

**704.32 UNMARKED VEHICLES**
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
Vehicle Maintenance

- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

704.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

704.5 WASHING OF VEHICLES
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE
Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.
Vehicle Use Policy

706.1 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 Town owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term “Town owned” as used in this section also refers to any vehicle leased or rented by the Town.

706.2 USE OF VEHICLES

706.21 SHIFT ASSIGNED VEHICLES
Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify the Dispatch Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Watch Commander shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

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.

706.22 UNSCHEDULED USE OF VEHICLES
Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use and a notation will be made on the shift roster indicating the operator’s name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Evidence Room personnel assigned transportation duties to and from the maintenance yard, etc. Evidence Room personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

706.23 UNDERCOVER VEHICLES
Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

706.24 DETECTIVE BUREAU VEHICLES
Investigations Division vehicle use is restricted to detective personnel Monday through Friday from 7:00 AM to 5:00 PM unless approved by a detective supervisor. Investigations Division personnel shall record vehicle usage via the Sign-out Log maintained in the Division. After hour use of Investigations Division vehicles by personnel not assigned to Investigations shall be recorded with the Watch Commander on the shift roster.
Vehicle Use Policy

706.25 AUTHORIZED PASSENGERS
Personnel operating department owned vehicles shall not permit persons other than Town employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

706.26 PARKING
Town owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a Town 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.

706.3 ASSIGNED VEHICLE AGREEMENT
Town 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 employee shall sign an agreement setting the standard for how the vehicle shall be used and where it shall be parked when the employee is not on duty.

The agreement states that 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 agreement also requires the employee to be responsible for the vehicle’s care and maintenance. 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.

706.31 VEHICLES SUBJECT TO INSPECTION
All Town 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.

706.4 SECURITY
Employees may take home Town owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

(a) The employee lives within a 45-minute (rules of the road obeyed and based on average traffic flow) response time of the Hillsborough Town 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 30 minutes.

(b) Off-street parking shall be available at the employee’s residence.

(c) Vehicles shall be locked when not attended.

(d) All 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).

(e) The employee is the on-call Inspector.
Vehicle Use Policy

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.

706.41 KEYS
All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

706.5 ENFORCEMENT ACTIONS
When driving an assigned vehicle to and from work outside of the jurisdiction of the Hillsborough Police Department, an officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

706.6 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 Town maintenance shop.
   1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
   2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from a supervisor

706.61 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 for the Assigned Vehicle Program manager.

706.7 ACCIDENT DAMAGE, ABUSE, AND MISUSE
(a) Any time a vehicle is involved in a traffic collision, either singularly or with another vehicle, an outside agency of authority will be requested to investigate the cause and responsibility. The employee involved in the collision shall complete the Town
provided vehicle accident form. If the employee is incapable, the supervisor shall complete the 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 memorandum format and forwarded to the shift sergeant.

(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.

706.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting, or returning to the Town after an emergency does not qualify for this exemption and personnel using Town owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a Town owned vehicle upon the toll road shall adhere to the following:

(a) All employees operating a Town owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the Town for any toll fees.

(b) All employees passing through the Toll Plaza or booth during a response to an emergency shall draft a memo to their respective Division Commander with five working days explaining the circumstances.
Chapter 8 - Support Services
Communication Operations

802.1 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.

802.11 FCC COMPLIANCE
Hillsborough Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 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 Dispatch Center and officers.

802.21 COMMUNICATIONS LOG/ DAILY TOUR
It shall be the responsibility of the Dispatch 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:

• M-card/CAD Call 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

802.3 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.
802.31 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 Procedures

804.1 PURPOSE AND SCOPE
This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 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.

804.3 PROPERTY HANDLING
Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

804.31 PROPERTY BOOKING PROCEDURE
All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the property form describing each item of property separately, listing all serial numbers, owner’s name, finder’s name, and other identifying information or markings
(b) The officer shall mark each item of evidence with initials and date;
(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored
(d) Place the case number in the upper right hand corner of the bag
(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker
Property Procedures

(f) No staples should be used to seal evidence or property bags. 

(g) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

804.32 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked separately. 

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Bureau and Detectives. The remaining copy will be detached and submitted with the case report.

804.33 EXPLOSIVES

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe will be transported to the Fire Department on a regular basis by a property officer.

Officers who encounter an explosive device shall immediately notify the immediate supervisor and/or Watch Commander. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

804.34 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the property officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property officer, or placed in the bicycle storage area until a property officer can log the property.

(d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of $1,000 for special handling procedures.

Town property, unless connected to a known criminal case, should be released directly to the appropriate Town 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.

804.4 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
Property Procedures

(d) Paraphernalia as described in Health & Safety Code § 11364 and Business and Profession Code § 4140
(e) Fireworks
(f) Contraband

804.41 PACKAGING CONTAINER
Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.42 PACKAGING NARCOTICS
The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer’s report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the Evidence Packaging Counter. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

804.5 RECORDING OF PROPERTY
The property officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on property tag and the property control card.

Any changes in the location of property held by the Hillsborough Police Department shall be noted in the property logbook.

804.6 PROPERTY CONTROL
Each time the property officer receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

804.61 RESPONSIBILITY OF OTHER PERSONNEL
Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.
Property Procedures

804.62 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Bureau for filing with the case.

804.63 STATUS OF PROPERTY
Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The property officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

804.64 AUTHORITY TO RELEASE PROPERTY
The Inspectors’ Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.65 RELEASE OF PROPERTY
All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Bureau for filing with the case. If some items of property have not been released the
Property Procedures

property card will remain with the Evidence Room. Upon release, the proper entry shall be documented in the Property Log.

804.66 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)).

804.67 CONTROL OF NARCOTICS & DANGEROUS DRUGS
The Inspectors’ Bureau 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.

804.7 DISPOSITION OF PROPERTY
All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property officer 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.

804.71 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 §§ 12028, 12029, 12251)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health & Safety Code § 11474, etc.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 12307)

804.72 UNCLAIMED MONEY
If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to 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 fifteen dollars ($15.00), or any amount if the depositor/owner’s name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

**804.8   INSPECTIONS OF THE EVIDENCE ROOM**

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.
Records Bureau Procedures

806.1 PURPOSE AND SCOPE
The Records Supervisor shall maintain the Department Records Bureau Procedures Manual on a current basis to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this department are contained in this chapter.

806.11 NUMERICAL FILING SYSTEM
Case reports are filed numerically within the Records Bureau by Records Bureau personnel. Report numbers are numbered commencing with the date followed by the year. As an example, case number 010108001 would be the first new case beginning January 1, 2008.

806.2 FILE ACCESS
All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Bureau accessible only to authorized Records Bureau personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Watch Commander.

806.21 REQUESTING ORIGINAL REPORTS
Generally, original reports shall not be removed from the Records Bureau. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Bureau shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Bureau.
Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE
The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

808.2 PROCEDURE
Any firearm coming into the possession of the Hillsborough Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.21 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 tabular 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.

808.22 PROPERTY BOOKING PROCEDURE
Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

808.23 OFFICER RESPONSIBILITY
The property officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.
808.24 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

808.25 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property officer will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form (ATC 3312.1-OBL) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

808.3 OTHER CONSIDERATIONS
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted either to the DRUGFIRE or IBIS National Integrated Ballistic Information Network (NIBIN) Program for search against evidence from previous crimes.
Release of Records and Information

810.1 PURPOSE AND SCOPE
The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law. (See appendix for reference chart).

810.2 PUBLIC REQUESTS FOR RECORDS
The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

810.21 PROCESSING OF REQUESTS
Any member of the public, including the media, may request access to unrestricted records of this department by submitting a separate written and signed request for each individual and specifically identified record sought to an authorized employee (Government Code § 6253). Requests from involved individuals, their authorized representatives and other agencies are addressed below. The processing of requests is subject to these limitations:

(a) The authorized receiving employee shall determine if the requested record is available and/or subject to any exemption from disclosure. Processing of such requests may take up to ten days and an additional 14-day extension may be authorized by the Department head (Government Code § 6253(c)).

(b) The requesting party shall be required to pay in advance any established fee for each record sought (Government Code § 6253(b))

(c) The Department shall not be required to create records which do not otherwise exist in order to accommodate any request under the Public Records Act. If practicable, however, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record

810.3 REPORT RELEASE RESTRICTIONS
Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

810.31 GENERAL CASE AND CRIME REPORTS
Reports containing any of the items listed below will not be released:

(a) **Victim Information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. Penal Code § 841.5 makes it a misdemeanor to release confidential victim information to any potential criminal defendant.

(b) **Confidential Information** - 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 shall not be made public.
Release of Records and Information

1. Analysis and conclusions of investigating officers may also be exempted from disclosure.
2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.

(c) **Specific Crimes** - Certain types of reports involving, but not limited to, **Child Abuse/Molest** (Penal Code § 11167.5), **Elder Abuse** (Welfare and Institutions Code § 15633) and **Juveniles** (Welfare and Institutions Code § 827) shall not be made public.

(d) **General Information** - Absent 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).

810.32 **ARREST REPORTS**

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, 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.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in **Penal Code** § 13300.

810.33 **TRAFFIC COLLISION REPORTS**

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, other law enforcement agencies and those individuals and their authorized representatives set forth in **Vehicle Code** § 20012.

810.34 **PERSONNEL RECORDS**

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (**Government Code** § 6254(c)).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (**Evidence Code** § 1043, et seq.)

810.35 **CONCEALED WEAPONS PERMITS**

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (**Government Code** § 6254(u)).

810.4 **OTHER RECORDS**

Any other record not addressed in this policy shall not be subject to release where such record is exempted 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(k)).
Release of Records and Information

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public’s interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

810.5 SUBPOENA DUCES TECUM
Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor 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.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED
Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.
Criminal Offender Record Information (CORI)

812.1 PURPOSE & SCOPE
This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY
This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Administrative Code. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

812.3 DEFINITIONS
Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any HPD documents containing a list of prior arrests.

Criminal Justice Agency - Means a public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Means any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Means persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - means a necessity exists to obtain CORI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CORI
CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

812.41 CRIMINAL RECORD SECURITY OFFICER
The Records Supervisor is the designated Criminal Record Security Officer for the Hillsborough Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.
**Criminal Offender Record Information (CORI)**

**812.42  RELEASE OF CORI**
Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Criminal Records Security Officer
(b) Records Supervisor
(c) Full-time employees of the Records Bureau
(d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

**812.43  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.

**812.5  JUVENILE RECORDS**
Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

**812.6  REVIEW OF CRIMINAL OFFENDER RECORD**
Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

**812.7  PROTECTION OF CORI**
CORI shall be stored in the Records Bureau where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Records Bureau shall be restricted to the Records Bureau personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Bureau shall be restricted to those persons who possess both the right to know and the need to know the information.

**812.71  COMPUTER TERMINAL SECURITY**
Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Bureau, the Dispatch Center and in the Inspectors' Bureau to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.
812.72 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.

812.8 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.

812.9 PENALTIES FOR MISUSE OF RECORDS
Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.37 (a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.37(a).
Computers and Digital Evidence

814.1  PURPOSE AND SCOPE
This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCD’s) 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.

814.2  SEIZING COMPUTERS AND RELATED EVIDENCE
Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
   1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
   2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:
   1. Where the computer was located and whether or not it was in operation.
   2. Who was using it at the time.
   3. Who claimed ownership.
   4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.
814.21 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.

814.22 FORENSIC EXAMINATION OF COMPUTERS
If an examination of the contents of the computer’s hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA
Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.
(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.
(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCD’S
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) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 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.

814.51 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.

814.52 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory 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) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.53 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence 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.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.
Animal Control Procedures

820.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for animal control officers and Hillsborough Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

820.2 ANIMAL CONTROL OFFICER RESPONSIBILITY
The Animal Control Officer (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ACO shall be under the operational control of the Patrol & Investigations Division. The Animal Control Officer’s assigned working hours will be scheduled by the Patrol & Investigations Division Commander.

During hours when the ACO is on duty, requests for animal control services shall be assigned by the Dispatch Center or the Watch Commander.

Requests for assistance by the ACO shall be acknowledged and responded to promptly.

820.3 OFFICER RESPONSIBILITY
During hours when the Animal Control Officer is off duty, or if the ACO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

(a) When there is a threat to the public safety.
(b) When animal has bitten someone, officers should take measures to confine the animal and prevent further injury.
(c) When an animal is creating a traffic hazard.
(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
(e) When the animal is gravely injured.

820.31 ANIMAL CRUELLY COMPLAINTS
Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.
820.32 STRAY DOGS
If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the Animal Shelter (9am-4pm) or to the holding pens, making sure the animal has food, water, and bedding.

The animal pick-up form must be completely filled out and placed in the ACO’s box. Release of impounded dogs requires a fee be paid. Releases will be handled by the ACO or, in his/her absence, by a patrol officer. The Records Bureau will accept fees and issue receipts.

The ACO will transport any animals in the holding pens to the Animal Shelter as soon as he/she comes on duty. Once a dog has been taken into custody, all releases should be handled by the Animal Shelter. In cases where the ACO is not available, the Watch Commander shall designate an alternate to transport so that any animals are not held in the holding pens unnecessarily for extended periods.

820.33 ANIMAL BITE REPORTS
Officers shall obtain as much information as possible for forwarding to the ACO for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

820.34 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency.

All requests to call in the ACO must be approved by a field supervisor or the Watch Commander.

820.4 DECEASED ANIMALS
Deceased animals on public property will be removed and properly disposed of by the ACO. Officers will remove deceased animals when the Animal Control Officer is not on duty. The deceased animals may be placed in the dead pan of the Animal Control Officer’s truck.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO truck. Large animals should be double bagged and left next to the ACO truck, out of public view.

(b) Neither the ACO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

820.5 INJURED ANIMALS
When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not
Animal Control Procedures

an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code 597.1 (b).

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency & Critical Care Services Clinic.
(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
   1. When the need to kill a seriously injured or dangerous animal is necessary, the department Use of Force Policy 304 shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Watch Commander.
(d) Injured wildlife should be referred to the SPCA, Marine Mammal Center or Department of Fish and Game as applicable. The SPCA will not pick up common pigeons (red legs), starlings, bats or skunks.
(e) When handling dead or injured animals department employees shall attempt to identify and notify the owner of the final disposition of the animal.
(f) Each incident shall be documented, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off duty, the information will be forwarded for follow-up.

820.6 CITATIONS

It should be at the discretion of the handling officer or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.
Custody Searches

902.1 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-arraiement detainees.

902.2 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)).

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)).

902.3 PAT DOWN SEARCHES

(a) 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.

(b) Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

(c) 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 opposite sex as the searching officer.

902.4 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:
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
Custody Searches

(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.

902.5 STRIP SEARCHES

(a) 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)).

(b) No strip search or visual body cavity search shall be conducted without prior written authorization from a supervisor. The time, date, and place of the search, the name and sex 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 written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request.

(c) 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)).

(d) 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 sex as the person being searched (Penal Code § 4030(l)).

(e) Whenever possible, a second officer of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(f) 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)).

902.51 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
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
The employment policy of the Hillsborough shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Hillsborough Human Resources.

1000.2 APPLICANT QUALIFICATIONS
Candidates for job openings will be selected based on merit, ability, competence and experience.

1000.3 STANDARDS
Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Hillsborough Human Resources maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Hillsborough or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

1000.31 OPERATION OF A MOTOR VEHICLE
(a) The ability to possess a valid California driver’s license
(b) The ability to drive safely
(c) The ability to control a motor vehicle at high speeds
(d) The ability to operate a motor vehicle in all types of weather conditions
(e) The following shall be disqualifying:
   1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
   2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
   3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.32 INTEGRITY
(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
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(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.33 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following shall be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application.

2. Conviction for two or more misdemeanor offenses under California law as an adult.

3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers).

4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).

5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.

6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.

7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.

8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

1000.34 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls, etc.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.
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(e) A willingness to work the hours needed to complete a job
(f) The following shall be disqualifying:
   1. Missing any scheduled appointment during the process without prior permission
   2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
   3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
   4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
   5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
   6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
   7. Having any outstanding warrant of arrest at time of application.

1000.35 LEARNING ABILITY
(a) The ability to comprehend and retain information
(b) The ability to recall information pertaining to laws, statutes, codes, etc.
(c) The ability to learn and to apply what is learned
(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
(e) The following shall be disqualifying:
   1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
   2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

1000.36 PERSONAL SENSITIVITY
(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
(b) Empathy
(c) Discretion, not enforcing the law blindly
(d) Effectiveness in dealing with people without arousing antagonism
(e) The ability to understand the motives of people and how they will react and interact
(f) The following shall be disqualifying:
   1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
Recruitment and Selection

2. Uttering any epithet derogatory of another person’s race, religion, gender, national origin or sexual orientation
3. Having been disciplined by any employer as an adult for fighting in the workplace

1000.37 JUDGMENT UNDER PRESSURE
(a) The ability to apply common sense during pressure situations
(b) The ability to make sound decisions on the spot
(c) The ability to use good judgment in dealing with potentially explosive situations
(d) The ability to make effective, logical decisions under pressure
(e) The following shall be disqualifying:
   1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
   2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.38 ILLEGAL USE OR POSSESSION OF DRUGS
(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
   1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
   2. Any adult use or possession of marijuana within one year prior to application for employment
   3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
   4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
   5. Any adult manufacture or cultivation of a drug or illegal substance
   6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
   7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
   1. Any illegal use or possession of a drug as a juvenile
   2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)
   3. Any illegal or unauthorized use of prescription medications
Evaluation of Employees

1002.1 PURPOSE AND SCOPE
The objective of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 POLICY
Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee’s immediate supervisor will complete each evaluation. 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 non-sworn supervisory personnel shall be sent to a POST 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 rating criteria with each employee at the beginning of the rating period. When a non-probationary employee’s job performance falls below the established standards of the job, the supervisor should, as soon as practical, but at least 90 days prior to the end of the annual evaluation period, advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

1002.3 EVALUATION FREQUENCY
Employees are evaluated based on the following chart:

<table>
<thead>
<tr>
<th>Position</th>
<th>Evaluated Every 3 Months</th>
<th>Evaluated Yearly</th>
<th>Length of Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probationary Sworn Employees</td>
<td>X</td>
<td></td>
<td>1 Year</td>
</tr>
<tr>
<td>Non-Probationary Sworn Employees</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Probationary Non-sworn Employees</td>
<td>X</td>
<td></td>
<td>1 Year</td>
</tr>
<tr>
<td>Non-Probationary, Non-sworn Employees</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Evaluation of Employees

1002.31 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered under Policy Manual § 350.

1002.4 FULL TIME PROBATIONARY PERSONNEL
Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees.

1002.5 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.

1002.51 RATINGS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee’s performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.
Space for written comments is provided at the end of the evaluation 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 unsatisfactory or outstanding shall be substantiated in the rater comments section.

**1002.6 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. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

**1002.7 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.

**1002.8 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.
Grievance Procedure

1006.1 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.

1006.11 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
• Town rules & 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 alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in Policy Manual § 328, and personnel complaints consisting of 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 set forth in Policy Manual §1020.

1006.2 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:
      (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.
Grievance Procedure

(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.

1006.3 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.

1006.4 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.
Hepatitis and HIV Testing

1008.1 PURPOSE AND SCOPE
The purpose of this policy is to provide for the reporting of contacts with the bodily fluids of individuals and an HIV testing procedure in accordance with the Legislature’s declaration of a public health crisis in Penal Code § 7500, et seq.

1008.2 REPORTING REQUIREMENTS
Any employee who believes that he/she came into contact with bodily fluids of an individual who has been arrested or taken into custody shall complete a State Department of Health Services form (#DHS 8479). This form includes the names of witnesses to the incident, names of persons involved in the underlying incident, and if feasible, any written statements from these parties. This form shall be in addition to any other reports related to the underlying incident (Penal Code § 7510.).

The employee’s form DHS 8479 shall be submitted by the end of the shift during which the incident occurred, or if not practicable, as soon as possible, but no longer than two days after the incident, unless waived by the county’s Chief Medical Officer.

Upon completion of form DHS 8479, it and all available related reports shall be forwarded immediately to the county’s Chief Medical Officer.

1008.21 CONFIDENTIALITY OF ALL REPORTS
All information obtained and reported pursuant to this procedure shall be kept confidential and may not be released except as provided by law (Penal Code § 7517).

1008.22 MISDEMEANOR TO FILE FALSE REPORT
Any employee who willfully files a false form DHS 8479 or a false request for HIV testing may be subject to discipline as well as misdemeanor criminal sanctions (Penal Code § 7540).

1008.3 REQUEST FOR HEPATITIS OR HIV TESTING
Any employee who desires that the individual be tested for Hepatitis A, Hepatitis B, or HIV shall indicate such a request on the form DHS 8479 (Penal Code § 7510).

1008.4 AVAILABLE COUNSELING
In addition to any other available employee assistance programs, personal counseling may be available through the Chief Medical Officer to any law enforcement employee who has filed a form DHS 8479.

1008.5 PROCEDURE TO DETERMINE TESTING
Within five calendar days of receipt of any form DHS 8479, regardless of whether or not a request for testing was made, the county’s Chief Medical Officer shall determine whether or not the involved individual shall be required to submit to HIV testing.

Any individual ordered by the Chief Medical Officer to submit to HIV testing has three calendar days to appeal such an order by submitting form DHS 8457. If no appeal is filed in a timely manner, the order of the Chief Medical Officer shall become final.
Hillsborough Police Department

Hepatitis and HIV Testing

Any appeal of the Chief Medical Officer’s order may be appealed by the individual or the involved employee to the Superior Court which is required to review the matter as expeditiously as possible (Penal Code § 7516.5).

1008.6 TESTING PROCEDURE

In the event that an individual is ordered to be tested for HIV, such tests shall consist of a blood sample withdrawn in a medically approved manner by a licensed physician, nurse, medical technician, or phlebotomist (Penal Code § 7530).

All test samples shall be submitted to a licensed medical laboratory that has been approved by the State Department of Health Services for the conducting of HIV testing.

1008.61 REFUSAL TO SUBMIT TO TESTING

Any person who has been ordered to submit to required Hepatitis A, Hepatitis B, or HIV testing and, who refuses to submit to such testing shall be subject to revocation of bail, probation, or other sentence (Penal Code § 7519(a)).

The refusal of any probationer or parolee to submit to required HIV testing shall be considered a violation of probation or parole.

1008.62 TEST RESULTS

Any employee who had direct contact with the bodily fluids of an individual who is determined to have tested positive for Hepatitis A, Hepatitis B, HIV or AIDS shall receive confidential notification from the Chief Medical Officer.
Reporting of Employee Convictions

1010.1 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.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS
Pursuant to the Federal Domestic Violence Gun Control Act (18 United States Code §§ 921(a) and 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.

Misdemeanor crimes of domestic violence are defined as misdemeanors under federal or state law, having as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to Temporary Restraining Orders (18 United States Code § 922(d)(8)).

Penal Code § 12021(c)(1) prohibits any person convicted of certain offenses including, but not limited to Penal Code §§ 273.5, 273.6 and 646.9, from lawfully possessing a firearm.

Family Code § 6389 prohibits any person from carrying a firearm if they are currently the subject of a domestic violence restraining order (including temporary and emergency orders).

1010.3 OTHER CRIMINAL CONVICTIONS
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

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.

1010.4 REPORTING PROCEDURE
All employees of this department and all retired officers with a CCW endorsement 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 sworn employees and all retired officers with a CCW endorsement shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the employee becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any employee whose criminal conviction unduly restricts or prohibits that employee 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 employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 12021(c)(2), 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 § 12021 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.
Alcohol and Drug Use Policy

1012.1 PURPOSE AND SCOPE
The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Hillsborough Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

1012.2 GENERAL GUIDELINES
The consumption of alcohol or other intoxicants is generally prohibited by on-duty personnel except as necessary in the performance of an official special assignment. Personnel who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty.

1012.21 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY
Department employees shall not purchase or possess alcohol or other controlled substances on Town property, at work, or while on duty except in the performance of a special assignment as described in Policy Manual § 1012.2.

Department employees shall not illegally manufacture any alcohol or drugs while on duty, on Town property or at any other time.

1012.22 USE OF PRESCRIBED MEDICATIONS
Department employees who are medically required to take prescription medications during work hours shall not allow such medications to impair their ability to perform their work. 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 their position should report the need for such medication to their immediate supervisor. No employee shall be permitted to work while taking such potentially impairing medication without a written release from his or her physician.

1012.3 EMPLOYEE ASSISTANCE PROGRAM
There may be available a voluntary employee assistance program to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Employees may contact the Human Resources, their insurance provider, or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.31 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis,
Alcohol and Drug Use Policy

shall only be with the expressed written consent of the employee involved or pursuant to lawful process.

1012.4 COMPLIANCE

Employees must, as a condition of employment, abide by the terms of this policy, and report any conviction under a criminal drug statute for violations occurring on or off Town premises while conducting Town business. A report of a conviction must be made as soon as possible, but in no case more than five days after the conviction.
Sick Leave Reporting

1014.1 PURPOSE AND SCOPE
Employees of this department are provided with a sick leave benefit that provides continued compensation during times of personal or family illness. The specified number of hours are detailed in each employee’s bargaining unit’s Memorandum of Understanding. Sick time may only be used when an employee is unable to work due to personal illness or a member of the employee’s immediate family is ill and the employee must care for that individual.

Sick leave is not considered vacation and abuse of sick leave may result in discipline.

1014.2 NOTIFICATION
Employees shall notify the on-duty watch commander as soon as they are aware they will not be able to report to work due to personal or family illness.

1014.3 EXTENDED ILLNESS
Employees absent from duty due to illness in excess of three consecutive days may be required to furnish a statement from their physician upon returning to work. Nothing in this section precludes a supervisor, with cause, from requiring a physician’s statement if three or fewer sick days are taken.
Communicable Diseases

1016.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To reduce exposures to bloodborne pathogens (BBP) and other potentially infectious body fluids
- To assist Department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE)
- To protect the privacy rights of all Department personnel who may be exposed to or contract a communicable disease during the course of their duties
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease

1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS
All department personnel who may be involved in providing emergency medical care, or who come in contact with another person’s blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines.

1016.21 EXPOSURE CONTROL OFFICER
The Department assigned Bloodborne Pathogens (BBP) Exposure Control Officer (ECO) shall be responsible for the following:

(a) The overall management of the BBP Exposure Control Plan (ECP).
(b) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning BBP and other communicable diseases.
(c) The ECO will act as a liaison during OSHA inspections and shall conduct program audits to maintain an up-to-date exposure control plan.
(d) The ECO will maintain an up-to-date list of police personnel requiring training, develop and implement a training program, maintain class rosters and quizzes, and periodically review the training program.
(e) The ECO will review and update the Exposure Control Plan annually (on or before January 1st of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.
Communicable Diseases

1016.22 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.

1016.23 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:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommended)

The protective equipment is to be kept in each police vehicle; inspected 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.

1016.24 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.

1016.25 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.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one’s disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. 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.

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.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.3 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:

1016.31 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.
Communicable Diseases

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.

1016.32 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 an employee’s intact skin contacts someone else’s blood or bodily fluids or other potentially infectious materials, the employee 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 employee’s skin are contaminated, the employee 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.

1016.33 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. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when possible, shall be into a puncture proof biohazard container.

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 dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1016.34 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 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.

1016.35 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 § 1016.34.
Communicable Diseases

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 § 1016.32 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it 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.

1016.36 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).

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.

1016.37 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 and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department’s expense.

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.

1016.38 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 as soon as feasible.
Communicable Diseases

1016.39 DECONTAMINATION OF STATION AND CLEANING AREA
The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees 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.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities, ensure the best protection, and care for the employee(s).

1016.41 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee’s immediate supervisor. Additionally if the exposure involves contact with the bodily fluids of an individual who has been arrested the employee must also comply with reporting requirements described in Policy Manual § 1008.

1016.42 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

(a) Names and social security numbers of the employee(s) exposed
(b) Date and time of incident
(c) Location of incident
(d) What potentially infectious materials were involved
(e) Source of material or person
(f) Current location of material or person
(g) Work being done during exposure
(h) How the incident occurred or was caused
(i) PPE in use at the time of incident
(j) Actions taken post-event (clean-up, notifications, etc.).

The supervisor shall use the above information to prepare a written summary of the incident, its causes, and recommendations for avoiding similar events. This report will be provided to the ECO, the consulting physician, and to the Town’s Risk Manager.

1016.43 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT
Any employee who received exposure or suspected exposure to HIV or to Hepatitis B or C should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) shall review the supervisor’s report, the employee’s medical records relevant to the visit and examination, and the Communicable Disease Notification Report (Penal Code § 7501(a)).
The blood of the exposed employee shall be tested. If possible, the blood of the source shall also be tested (Health & Safety Code §§ 121050, et seq.).

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source’s test results (Health & Safety Code § 121065(d)).

The health care professional shall provide the ECO and/or the Town’s Risk Manager with a written opinion/evaluation of the exposed employee’s situation. This opinion shall 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 that will require further treatment or evaluation.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.44 COUNSELING
The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1016.45 CONFIDENTIALITY OF REPORTS
Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee’s treatment status and the results of examinations, medical testing, and follow-up procedures that took place as a result of an exposure.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee’s written consent (except as required by law).
Tobacco Use Policy

1018.1 PURPOSE AND SCOPE
The Surgeon General has determined that second-hand smoke is hazardous to health. Tobacco products may also be offensive to employees and the public.

1018.2 POLICY
Smoking and other use of tobacco products, including chewing tobacco, is not permitted inside department facilities or any department vehicle. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

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 public view.
Personnel Complaint Procedure

1020.1 PURPOSE AND SCOPE
The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

1020.11 PERSONNEL COMPLAINTS DEFINED
Personnel complaints consist of 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.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Patrol Captain 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 Patrol Captain, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.21 SOURCE OF COMPLAINTS
(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

1020.22 ACCEPTANCE OF COMPLAINTS
A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:
Personnel Complaint Procedure

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.23 COMPLAINT DOCUMENTATION
Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or Watch Commander log entry.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant’s signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

1020.3 SUPERVISOR RESPONSIBILITY
A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee’s immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Commanding Officer and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Commanding Officer of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Patrol Captain for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.


2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.

3. 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 employee’s Division Commander or the Chief of Police who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Human Resources and the Chief of Police for direction regarding their role in investigation and/or addressing the complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1020.41 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered

(e) It shall be the responsibility of the assigning supervisor to promptly notify the employee’s Division Commander and the Chief of Police

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.
Personnel Complaint Procedure

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Patrol Captain, the following procedures shall be followed with regard to the accused employee(s):

(a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a))

(b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b))

(c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c))

(d) All interviews shall be for a reasonable period and the employee’s personal needs shall be accommodated (Government Code § 3303(d))

(e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e))

(f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g))

(g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to Lybarger (Lybarger v. City of Los Angeles (1985) 40 Cal.3d 822, 827). This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h))

(h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview (Government Code § 3303(i))

(i) All employees shall provide complete and truthful responses to questions posed during interviews.

(j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307)
1020.61 ADMINISTRATIVE SEARCHES
An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or police related death.
- When the employee is involved in an injury or fatal accident while on duty.
- When the employee is involved in an injury or fatal accident while operating any Town owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee’s presence, with the employee’s consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.62 ADMINISTRATIVE INVESTIGATION FORMAT
Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee 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.
1020.7 DISPOSITION OF PERSONNEL COMPLAINTS
Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

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 employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS
Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint. (Penal Code § 832.7)

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

1020.81 CONFIDENTIALITY OF PERSONNEL FILES
All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.
Personnel Complaint Procedure

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee’s personnel file to refute such false representations (Penal Code § 832.5).

All formal personnel complaints shall be maintained for a period of no less than five years. (Penal Code § 832.5) All non-citizen (e.g., those that originate internally) initiated complaints shall be maintained no less than two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Patrol Captain apart from the employee’s personnel file.
Seat Belt Procedure

1022.1 PURPOSE AND SCOPE
Vehicle Code § 27315.5 requires law enforcement agencies to adopt a policy concerning the use of seat belts. Additionally, the use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision.

1022.2 WEARING OF SAFETY RESTRAINTS
All employees shall wear available safety restraints whenever operating a department vehicle, however, under unusual circumstances, or if a potentially dangerous situation is either perceived or anticipated, safety restraints may be removed to allow for a more rapid response to the situation.

All non-employees occupying the front seat of a police vehicle shall be required to wear available safety restraints.

All persons occupying the rear seat of a police unit shall wear available safety restraints unless physical conditions would prevent such from being applied.
Body Armor

1024.1 PURPOSE AND SCOPE
Practical safety measures should be used to reduce the risks and hazards associated with police work. The Department provides soft body armor for personnel in an effort to improve safety.

1024.2 BODY ARMOR
Soft body armor vests are issued to all sworn personnel because they have been shown to be effective in reducing deaths and serious injuries.

1024.21 USE OF SOFT BODY ARMOR
The Department encourages all on-duty officers to wear soft body armor. Their use in some instances is required.

When officers are assigned to a SWAT operation, stakeout, service of felony arrest warrant(s), or, are serving a search warrant at a location where there is reason to believe a felony suspect may be present, the wearing of a body armor is mandatory.

Body armor must be either department-issued or department-approved.

A stakeout, for purposes of this section, is a pre-planned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.
Peace Officer Personnel Files

1026.1 PURPOSE AND SCOPE
This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1026.2 PERSONNEL FILES DEFINED
Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer’s name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.

(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee’s past, current or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer’s employment with this department.

Division File - Any file which is separately maintained internally by an employee’s supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee’s medical history.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES
Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable
federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the Town in connection with official business.

1026.5 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 supervisor charged with the maintenance of such records.

Upon receipt of any such request, the responsible supervisor shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible supervisor 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.

1026.51 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 expressed prior 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 § 146(e))

Pursuant to Penal Code § 832.7(e), the disposition of any citizen’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer’s representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of 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.
Peace Officer Personnel Files

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

1026.7 TYPES OF PERSONNEL FILES
Peace officer personnel files can be located in any of the following places:

1026.71 DEPARTMENT FILE
The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor(s) 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
   1. It shall be the responsibility of the involved employee to provide the training officer or immediate supervisor with evidence of completed training/education in a timely manner.
   2. The training officer 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)
   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 division file after the employee has had the opportunity to read and initial the comment and for a period up to two years (Government Code § 3305)
   1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306)
   2. Any such employee response shall be attached to and retained with the original adverse comment.
   3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee’s file.
Peace Officer Personnel Files

(e) Commendations shall be retained in the employee’s department file, with a copy provided to the involved employee(s).

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee’s employment status.

(g) A photograph of the employee.

1026.72 DIVISION FILE
The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.

   1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.

   2. Duplicate copies of items that will also be included in the employee’s department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

   3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.

1026.73 INTERNAL AFFAIRS FILE
The internal affairs file shall be maintained under the exclusive control of the Chief of Police. Access to these files may only be approved by the Chief of Police. 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., 07-001, 07-002) with an alphabetically arranged index card cross-referenced for each involved employee.

   2. Each investigation file arising out of a formal citizen’s complaint shall be maintained no less than five years. Investigation files arising out of internally generated complaints shall be maintained no less than two years.

(b) Investigations which 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.

1026.74 TRAINING FILES
An individual training file shall be maintained by the Patrol Captain for each employee. Training files will contain records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

(a) It shall be the responsibility of the involved employee to provide the Administrative Captain or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Administrative Captain or supervisor shall ensure that copies of such training records are placed in the employee’s Training File.
1026.75 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.

1026.8 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 § 632.5).

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 ([GC 34090/26202]).

(a) Each supervisor responsible for completing the employee’s performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of 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.

1026.9 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.

1026.91 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.

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Penal Code § 1054.1 - California law also establishes a criminal defendant’s right to access potentially exculpatory evidence.

1026.92 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.

1026.93 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 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 copied and 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.
Employee Commendations

1030.1 PURPOSE AND SCOPE
Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS
A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator’s supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS
A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

• Superior handling of a difficult situation by an employee
• Conspicuous bravery or outstanding performance by any employee of the Department
• Any action or performance that is above and beyond the typical duties of an employee

1030.31 COMMENDATION INCIDENT REPORT
The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, bureau, and assignment at the date and time of the commendation
(b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate
(c) Signature of the commending supervisor

Completed reports shall be forwarded to the appropriate Division Commander for his/her review. The Division Commander shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Secretary for entry into the employee’s personnel file.
Fitness for Duty

1032.1 PURPOSE AND SCOPE
All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 EMPLOYEE RESPONSIBILITIES
(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES
(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
(d) In conjunction with the Watch Commander or employee’s available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS
Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1032.5 WORK RELATED CONDITIONS
Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.
Fitness for Duty

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee’s conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee’s ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

• 16 hours in one day (24 hour period) or
• 30 hours in any 2 day (48 hour) period or
• 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.
Fitness for Duty

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.
Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE
This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all Town employees that has been established by the City Manager.

1034.11 MEAL PERIODS
Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the Dispatch Center prior to taking a meal period. The time spent for the meal period shall not exceed the authorized time allowed.

1034.12 15 MINUTE BREAKS
Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee’s shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.
Lactation Break Policy

1035.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee’s infant child.

1035.2 POLICY
It is the policy of this department to provide a reasonable amount of break time and appropriate facilities to accommodate any employee desiring to express breast milk for the employee’s infant child (Labor Code § 1030).

1035.3 LACTATION BREAK TIME
Employees wishing to express breast milk for their infant child during their shift shall be permitted to do so during any authorized break. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding fifteen minutes will be considered unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee’s work area and shall be other than a toilet stall (Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such. No expressed milk shall be stored at the department beyond the employee’s shift.
Time Card Procedures

1036.1 PURPOSE AND SCOPE
Time cards are submitted to Administration on a bi-weekly basis for the payment of wages.

1036.11 RESPONSIBILITY FOR COMPLETION OF TIME CARDS
Employees are responsible for the accurate and timely submission of time cards for the payment of wages.

1036.12 TIME REQUIREMENTS
All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Time cards shall be completed and submitted to Administration no later than 8:00 a.m. on the Wednesday morning before the end of the pay period, unless specified otherwise.
Overtime Payment Requests

1038.1 PURPOSE AND SCOPE
It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment with their bi-weekly time sheet.

1038.11 DEPARTMENT POLICY
Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 50 hours of compensatory time.

1038.2 REQUEST FOR OVERTIME PAYMENT FORMS
Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward them to Administration with bi-weekly time cards. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

1038.21 EMPLOYEES RESPONSIBILITY
Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander for approval.

1038.22 SUPERVISORS RESPONSIBILITY
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee’s time card, the overtime payment request form is forwarded to the Chief’s Executive Assistant for processing with bi-weekly time cards.

Supervisors shall use the appropriate procedure, according to the MOU between the HPOA and HPD, when scheduling personnel for voluntary and involuntary overtime.
1038.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1038.31 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 15 minutes</td>
<td>¼ hour</td>
</tr>
<tr>
<td>16 to 30 minutes</td>
<td>½ hour</td>
</tr>
<tr>
<td>31 to 45 minutes</td>
<td>¾ hour</td>
</tr>
<tr>
<td>46 to 60 minutes</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

1038.32 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

1040.1 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.

1040.11 DEFINITIONS
Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL
No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1040.21 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).
Outside Employment

1040.22 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee’s performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee’s performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee’s conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be rescinded until the employee has returned to a full duty status.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT
Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee’s use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee’s receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee’s duties as a member of this department.

(c) Involves the performance of an act in other than the employee’s capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee’s duties for this department less efficient.

1040.31 OUTSIDE SECURITY 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 employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking outside security services from members of this department must submit a written application to the Chief of Police in advance of the desired service.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.
Outside Employment

(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, participating employees 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.

1040.32 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.41 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 § 1040.22(c)

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.
Outside Employment

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member’s permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the Town’s professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Hillsborough Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.
On Duty Injuries

1042.1 Purpose and Scope
The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Risk Management, to ensure proper medical attention is received, and document the circumstances of the incident.

1042.2 Worker's Compensation Fund Reports

1042.21 Injuries Requiring Medical Care
All work related injuries and work related illnesses requiring medical care must be reported to the Risk Management Office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1042.22 Accident Defined
Accident - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.23 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 to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

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 the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning 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 releases, whether partial or full releases, to their supervisor.

1042.24 Supervisor's Responsibility
A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms
On Duty Injuries

with instructions for completion provided by Risk Management are kept in the Sergeant’s office.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor’s Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor’s Division Commander, through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor’s Report of Injury form and the employee subsequently requires professional 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 to the Division Commander as soon as they are completed.

1042.25 DIVISION COMMANDER RESPONSIBILITY
The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

1042.26 CHIEF OF POLICE RESPONSIBILITY
The Chief of Police shall review and forward copies of the report to the Human Resources and retain one copy in the employee’s personnel file.

1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION
Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor’s Report of Injury form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected 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 later.

1042.4 SETTLEMENT OF INJURY CLAIMS
Occasionally, an employee’s work-related injury results from the negligent or wrongful acts of another, for which the employee, the Town, and/or other insurers are entitled to recover civilly. To ensure that the Town’s interests are protected and that the employee has the benefit of the Town’s experience in these matters, the following procedure is to be followed:

1042.41 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 take no action other than to make a written report of this contact to his/her supervisor as soon as possible.
1042.42  NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice to permit the Town to determine whether or not the offered settlement will affect any claim the Town may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the Town’s right of subrogation, while ensuring that the employee’s rights to receive compensation for injuries are not affected.
Personal Appearance Standards

1044.1 PURPOSE AND SCOPE
In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS
Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.21 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.

1044.22 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.23 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.24 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.

1044.25 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.26 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.
Personal Appearance Standards

1044.3 TATTOOS
While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any tattoo or body art be visible. Tattoos may be concealed by wearing long-sleeved shirts, or the application of a flesh-toned bandage.

1044.4 BODY PIERCING
Except for a single stud pierced earring worn in the lobe of each ear, no body piercing shall be visible while any employee is on duty or representing the Department in any official capacity without prior authorization from the Chief of Police.
Uniform Regulations

1046.1 PURPOSE AND SCOPE
The uniform policy of the Hillsborough Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property
Section 1024 - Body Armor
Section 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department’s uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee.

(k)

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
Uniform Regulations

3. Medical alert bracelet

1046.21 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official department identification card bearing the employee’s name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1046.3 UNIFORM CLASSES

1046.31 CLASS A UNIFORM
The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie
(b) Polished shoes

Boots with pointed toes are not permitted.

1046.32 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required
(b) A white, navy blue or black crew neck t-shirt must be worn with the uniform
(c) All shirt buttons must remain buttoned except for the last button at the neck
(d) Shoes for the Class B uniform may be as described in the Class A uniform
(e) Approved all black unpolished shoes may be worn
(f) Boots with pointed toes are not permitted

1046.33 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1046.34 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.
Uniform Regulations

1046.35 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.4 INSIGNIA AND PATCHES
(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee’s first initial and last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(h) Rank Insignia - The designated insignia indicating the employee’s rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1046.41 MOURNING BADGE
Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department – From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county – From the time of death until midnight on the day of the funeral.

(c) Funeral attendee – While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) – From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1046.5 CIVILIAN ATTIRE
There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.
Uniform Regulations

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:
   1. T-shirt alone
   2. Open toed sandals or thongs
   3. Swimsuit, tube tops, or halter-tops
   4. Spandex type pants or see-through clothing
   5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee’s assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Hillsborough Police Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Hillsborough Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Hillsborough Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:
   1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
Uniform Regulations

2. When the item is no longer functional because of damage in the course of the employee’s duties, it shall be replaced following the procedures for the replacement of damaged personal property. (Policy Manual § 700)

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Hillsborough Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Hillsborough Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.
Department Badges

1052.1 PURPOSE AND SCOPE
The Hillsborough Police Department badge and uniform patch as well as the likeness of these items and the name of the Hillsborough Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY
The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.21 FLAT BADGE
Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Hillsborough Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer’s control, he/she shall make the proper notifications as outlined in the Policy Manual 700.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.22 [NON-SWORN PERSONNEL]
Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.23 RETIREE UNIFORM BADGE
Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.
**Department Badges**

### 1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### 1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Hillsborough 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.
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