

## SANTA CRUZ POLICE DEPARTMENT

The Santa Cruz Police Department Policy Manual provides the framework to perform our law enforcement mission. These policies have been established as a result of an ever-changing assimilation of legal and best-practice principles in the law enforcement profession. These policies, coupled with professional training, provide you with the tools to carry out your law enforcement responsibilities. We are tasked with providing effective service to our community in a professional and ethical manner. All members of this department are held to the highest standard by the citizens we serve and adherence to these policies is one of the requirements of these standards. As the Chief of Police, I am honored to work with such a dedicated group of individuals.

# SANTA CRUZ POLICE DEPARTMENT

## **Law Enforcement Code of Ethics**

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

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

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

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

# SANTA CRUZ POLICE DEPARTMENT

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# SANTA CRUZ POLICE DEPARTMENT

## **Chapter 1 – Law Enforcement Role & Authority**

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## 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

### 102.1 PURPOSE AND SCOPE

The POST (Peace Officer Standards & Training) Commission has determined 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**

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 enforce the law and uphold the federal and state constitutions and the municipal laws of the City of Santa Cruz.

#### **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.

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## Santa Cruz Policy Manual

### 106.1 PURPOSE AND SCOPE

The manual of the Santa Cruz 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 of the Department 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 are to be considered as Department 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. The Departmental Directives shall remain in effect until incorporated into the manual on an annual basis.

#### **106.22 STAFF**

Staff shall consist of the Chief of Police, Deputy Chief of Police from each division, and the Lieutenants. 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 Deputy Chief 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.

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## 106.31 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual and as footnotes. Footnotes are placed three spaces below the last line of text in the left-hand margin.

- 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.

<b>Adult</b>	Shall mean any person eighteen years of age or older.
<b>CHP</b>	Shall refer to the California Highway Patrol.
<b>Department</b>	Shall mean the Santa Cruz Police Department.
<b>DMV</b>	Shall refer to the Department of Motor Vehicles.
<b>Employee/Personnel</b>	Apply to any person employed by the Department.
<b>Juvenile</b>	Shall mean any person under the age of eighteen years.
<b>Manual</b>	Shall refer to the Santa Cruz Police Department <u>Policy Manual</u> .
<b>Member</b>	Term applied to all persons who are employed by the police department and shall include sworn officers and civilian employees. This includes reserve officers and volunteers.
<b>Officer/Sworn</b>	Applies to those employees, regardless of rank, who are sworn employees of the City of Santa Cruz.
<b>On-Duty</b>	Employee status during the period when he/she is actually engaged in the performance of his or her assigned duties.
<b>Order</b>	An instruction either written or verbal issued by a superior.
<b>Rank</b>	Shall mean the title of the classification held by an officer.
<b>Shall</b>	Indicates a mandatory action.
<b>Should (or may)</b>	Indicates a permissive or discretionary action.

## 106.33 DISTRIBUTION OF MANUAL

Copies of the department manual shall be issued in the following locations:

- Chief of Police
- Deputy Chiefs
- Professional Standards Unit
- Training Unit
- Watch Commander
- Field Sergeant's Office
- Investigation Section
- Report Writing Room.

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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.

# SANTA CRUZ POLICE DEPARTMENT

## **Chapter 2 – Organization & Administration**

## Organizational Structure & 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 Santa Cruz Police Department. There are two divisions in the Police Department as follows:

- Administration Division
- Operations Division

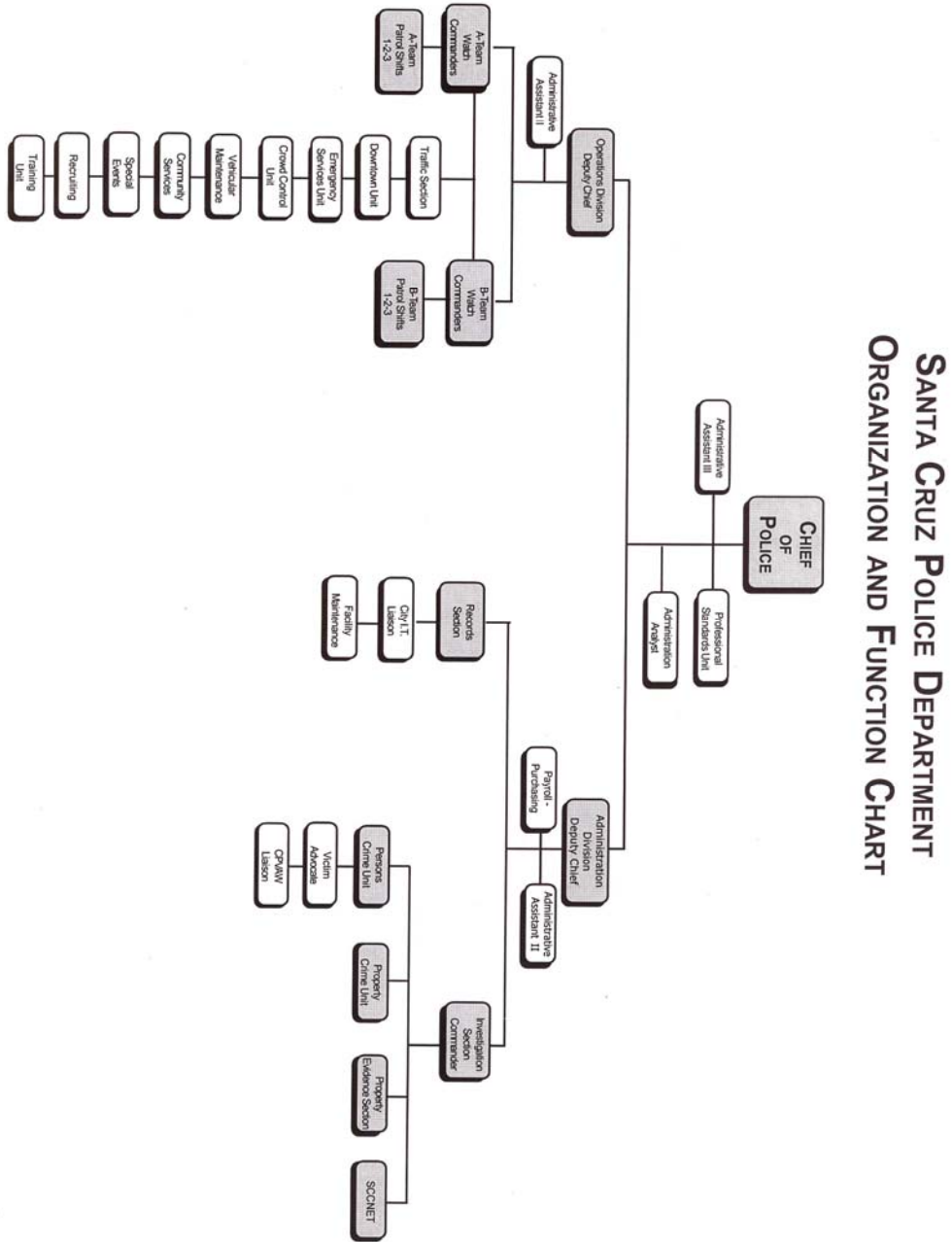
#### **200.21 ADMINISTRATION DIVISION**

The Administration Division is commanded by a Deputy Chief of Police whose primary responsibility is to provide general management direction and control for the Administration Division. The Administrative Division consists of the Investigations Section, Records Section and Administrative Section.

#### **200.22 OPERATIONS DIVISION**

The Operations Division is commanded by a Deputy Chief of Police whose primary responsibility is to provide general management direction and control for that division. The Operations Division which consists of the Patrol Section, Traffic Section, and the Community Services Section.

Organizational Chart



9/12/05

## Departmental Directives

### 204.1 PURPOSE AND SCOPE

Departmental Directives establish an inter-departmental 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 DIRECTIVE PROTOCOL**

Directives will be incorporated into the manual as required upon approval of Staff. Each year the Directive(s) will modify existing policies or create a new policy as appropriate. Once the directive has been incorporated into the manual as policy, it will be rescinded.

All existing Directives have now been incorporated in the updated Policy Manual, revised January 2006.

Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "1", etc. For example, 06-1 would be the first directive for 2006.

### 204.2 RESPONSIBILITIES

#### **204.21 STAFF**

The Staff shall review and approve revisions of the manual, which will incorporate changes originally made by Departmental Directives.

#### **204.22 CHIEF OF POLICE**

The Chief of Police shall issue all Departmental Directives.



## Disaster Plan

### 206.1 PURPOSE AND SCOPE

The City of Santa Cruz has prepared an Emergency Management Plan Manual for use by all city 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 plan in response to a major emergency.

### 206.3 LOCATION OF MANUALS

The manual for the employees is available in Administration and the Watch Commander's office and may also be found on the City's Intranet Website. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

### 206.4 RESIDENCY REQUIREMENTS

The Santa Cruz Police Department does not have a mileage residency requirement.

**Definition:** A residence is defined as the primary place that an employee maintains as their domicile. It is the address where they live and claim as their residence for tax and voting purposes.

#### **206.41 RESIDENCY REQUIREMENT**

The only residency requirement for Police Department personnel is that personnel will be able to respond from their place of residence to the Department within a reasonable amount of time during emergency and as needed situations.

#### **206.42 DEPARTMENT EMPLOYEES**

- (a) When establishing residency the following shall be considered:
1. All factors must be considered such as speed limits, roadway designations, traffic during commuter times, etc.
  2. All-weather roadways must exist as the most direct route.
  3. Employees must maintain uninterrupted telephone service.
  4. No special consideration will be given to employees for shift, callback, or court attendance based on their residency.
  5. All employees are expected to report to work on time. Distance from the Department is not a mitigating factor for reporting late to work.

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## **206.43 MAINTAINING ACCURATE ADDRESS AND TELEPHONE INFORMATION**

- (a) All department employees will immediately notify the Police Administration Division if there is a change of their residence address or telephone number. The notification will be in writing on a To/From Memorandum, or Department e-mail.
- (b) The original shall be sent to the Administration Division with a copy to the employee's division commander.
  - 1. The Administration Division shall be responsible for updating the police employee residence and telephone list.

## Training Policy

### 208.1 PURPOSE AND SCOPE

The policy of the Santa Cruz Police Department is to administer a training program that will provide for the professional growth and continued development of its personnel. By so doing, the police 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 Santa Cruz Police Department seeks to provide on-going 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 Santa Cruz Police Department's training program are to:

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

### 208.4 TRAINING PLAN

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

- (a) Legislative changes and case law;
- (b) State mandated training;
- (c) Supplemental training for personnel.

### 208.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training-needs assessment of the Police Department. The needs assessment will be reviewed by the Police Department's Staff. Upon approval of the Staff, the needs assessment will form the basis for the Training Plan for the fiscal year.

#### **208.51 TRAINING RECORDS**

The Training Unit shall maintain training records for all department personnel.

## 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 Department employees to enhance the 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 City business activities or contain information essential to City employees for the accomplishment of business-related tasks, and/or communication directly related to City business, administration or practices.

### 212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages transmitted over the computer network are considered Department records and, therefore, the property of the Police Department. The City 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 City. 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 will not be tolerated.

E-mail messages addressed to "all city users" are only to be used for city business related items that are of particular interest to all users and must be approved by the Chief of Police or a Deputy Chief. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users shall 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.

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## Cellular Telephones

### 213.1 POLICY

To improve Public Safety Communications through use of cell phone technology, cell phones shall be issued to all sworn and selected non-sworn personnel.

### 213.2 PROCEDURE

#### **General Provisions and Guidelines**

- (a) All cellular telephone equipment requisitions, repairs, etc. will be coordinated through the Department Cell Phone Coordinator.
- (b) Employees issued cell phones shall carry them while on duty in a “ready” status.
- (c) Cell phones are intended to take advantage of technology and to improve our public safety communications ability, particularly as it relates to intradepartmental communications and allied agency communications. The direct connect radio feature shall be used whenever practical. As with all police communication equipment, transmissions will always be professional in nature. Use of the telephone feature shall be used only when a regular wired telephone is not available.
- (d) There is no requirement to carry the cell phone when off-duty in a non-paid status. No salary or hourly wage shall be paid or reimbursed for carrying the phone off-duty. If you choose to carry the cell phone off-duty, it is permissible, as the cell phone has both a radio and pager feature that can be accessed/used at no additional cost to the City or user. From a practical standpoint, on occasion (primarily when off-duty) the City realizes the cell phone may be used for a “personal use”. Personal use is defined as a non-work related phone call, e.g., calling home to say you are working late is considered work-related. Reimbursement shall be necessary for personal phone calls whenever the individual telephone exceeds the allotted standard monthly minutes (currently 200 minutes per month). Excessive use of non-work phone calls on-duty is prohibited. All cell phone bills shall be monitored/audited on a monthly basis.
- (e) Reimbursement: When reimbursement is necessary it will be at the provider’s per minute rate. All reimbursements shall be made payable to the “City of Santa Cruz” and forwarded to the Employee’s Deputy Chief or designee.

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## Administrative Communications

### 214.1 PURPOSE AND SCOPE

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

### 214.2 PERSONNEL ORDERS

Memorandums may be issued periodically by the Chief of Police, or Deputy Chief, 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 Santa Cruz Police Department is not misused, all external correspondence shall be on Department letterhead. Personnel shall use Department letterhead only for official business and with approval of the Deputy Chief.

### 214.4 DEPARTMENT SURVEYS

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

## 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 Department's need to meet operational requirements.

### 216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible. Watch Commanders will ensure that at least one field supervisor is deployed during each watch, in addition to the Watch Commander.

## Concealed Weapons Permits

### 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.

Nothing in this policy shall be construed to require the Chief of Police to issue a Concealed Weapons Permit at any time. The issuance of any such license shall only be pursuant to the terms and conditions of this policy and applicable law. Nor shall anything in this policy 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. Penal Code § 12050(g).

### 218.2 QUALIFIED APPLICANTS

In order to apply for a license to carry a concealed weapon, the applicant must:

- (a) Be a resident of the City of Santa Cruz;
- (b) Be at least twenty-one (21) years of age;
- (c) Fully complete an application that will include substantial personal information. (NOTE: Much of the information in the application may be subject to public release under the Public Records Act.);
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon. (NOTE: 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 (NOTE: 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 (3) 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.



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## 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 be advanced 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 wishing to apply for a license to carry a concealed weapon shall first fully complete a Concealed Weapons Permit 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 lie detector examination.
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to "Department of Justice" for the required application fee along with a separate check made payable to "City of Santa Cruz" for a non-refundable 20% of the City's application fee to cover the cost of processing.
  - 1. The City's current application fee is \$100.00. This 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 also be required to submit two (2) full sets of fingerprints, one of which will be retained by the Department and the other of which will be submitted to DOJ for a complete criminal background check. Two recent passport size photos (2"x2") of the applicant shall also be submitted for Department use. (NOTE: Fingerprint and photograph fees will be in addition to application fees.) No person determined to fall within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare & Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.
- (d) The applicant shall also submit at least three (3) 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

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thirty (30) days after receipt of the applicant's criminal background check from DOJ, 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.

- (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 shall 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 also 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. (NOTE: The cost of such psychological testing (not to exceed \$150.00) shall be paid by the applicant.) This testing is not intended to certify that the applicant is psychologically fit to carry a weapon. It is instead designed 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 psychologically 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 POST certified firearms safety and training course (Penal Code § 832) at a community college.
- (e) The applicant shall submit any weapon to be considered for a license to the 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 proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. (NOTE: 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 ninety (90) days of the initial application or within thirty (30) days after receipt of the applicant's criminal background check from DOJ, whichever is later. Penal Code § 12052.5.

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## 218.4 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON

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

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Santa Cruz;
- (b) Such a license will be valid for a period not to exceed ninety (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 that 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 police officer.
- (d) The license will be valid for a period not to exceed two (2) 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 (3) 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 (4) years,

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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 (10) 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; or
  - 2. Falsely representing him or herself as a peace officer; or
  - 3. Unjustified or unreasonable displaying of a weapon; or
  - 4. Committing any crime; or
  - 5. Being under the influence of any medication or drug while armed; or
  - 6. Interfering with any law enforcement officer's duties; or
  - 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/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 a processing fee of ten dollars (\$10) 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; or
- (b) Change restrictions or conditions previously placed on the license; or
- (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.

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## **218.53 REVOCATION OF LICENSES**

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

- (a) If the licensee has violated any of the restrictions or conditions placed upon the license; or
- (b) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon; or
- (c) If the licensee is determined to be within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare & Institutions Code §§ 8100 or 8103; or
- (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; or
- (e) If the licensee establishes residency outside the City of Santa Cruz.

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

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

## **218.54 LICENSE RENEWAL**

No later than ninety (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 (4) 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 relicensed, to be administered by the Department's Rangemaster, including completion of all releases and other forms;
- (d) Payment of a non-refundable renewal application fee of \$25.00.

Once the Chief of Police or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a 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 ninety (90) days of the renewal application or within thirty (30) days after receipt of the applicant's criminal background check from DOJ, whichever is later. Penal Code § 12052.5

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## 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 also 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 or 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 psychiatric disability.

### 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.
- (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 USC 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 2 x 3 inches and minimally contain the following [Penal Code § 12027(a)(1)(D)]:

- (a) Photograph of the retiree

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- (b) Retiree's name, address 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) or, 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)].
- (d) The decision of such hearing board shall be binding on the Department and the retiree.
- (e) 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".



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## **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 safe 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.

This 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.

#### **300.21 PENAL CODE § 835(a)**

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 affect 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.

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## **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 circumstance.

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 to result in death 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 and Control Devices described in Policy Manual §§ 306 and 308 respectively.

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.

## **300.24 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

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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;
- (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 full compliance has been achieved.

## **300.25 CAROTID RESTRAINT**

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual. However, due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- (a) The officer shall have received departmentally approved training in the use and application of the carotid restraint;
- (b) The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s);
- (c) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel;
- (d) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold;
- (e) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

## **300.3 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him or herself or others from what they reasonably believe would be an immediate threat of death or serious bodily injury;
- (b) An officer may use deadly force to affect the arrest or prevent the escape of a suspected felon where the officer has probable cause to believe that the suspect poses a significant threat of death or serious bodily injury to the officer or others. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

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## 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.

## 300.5 RESISTING ARREST/VIOLENCE AGAINST A SANTA CRUZ POLICE OFFICER/USE OF FORCE REPORTING

### 300.51 POLICY

It is the policy of this Department to diligently investigate and thoroughly document all incidents of a violent nature against a Police Officer or Community Service Officer. This will include resistance by a citizen during an arrest situation and the use of force by a police officer to effect an arrest and/or defend themselves.

### 300.52 PROCEDURE

- (a) If a sworn officer or Community Service Officer, acting in the scope of authority, falls victim to an act of violence against their person or whose ability to function as an officer is obstructed, delayed or willfully resisted by another person, then a detailed, thorough investigation into such acts will be required. All officers will immediately notify their supervisor of this type of arrest, including the type and amount of force used.
- (b) Instances such as the simple application of a control hold to overcome minor resistance or a foot pursuit "flee only" do not require a supervisor's investigation, unless significant injuries to officers, suspects, witnesses, and/or uninvolved parties occur. A significant injury includes any injury that requires medical treatment, and injuries more serious than minor abrasions, cuts, or bruises.
  - 1. At the conclusion of such instances it shall be incumbent upon the officer to obtain a recorded statement from the suspect inquiring about possible injuries.
  - 2. The officer will take photographs of the suspect to confirm or refute the presence of injuries.
    - (a) Nothing in this protocol prohibits its application if the officer and/or supervisor deem it necessary.

### 300.53 VICTIM OFFICER

- (a) In the case of violence against an officer, the officer will be listed in the report as a victim.
- (b) The victim officer(s) must maintain self-control and professionalism. Their initial attention must be to protect themselves or others from injury and, whenever possible, successfully and safely restrain the suspect(s). To accomplish this restraint, officers should consider the appropriate level of force consistent with the level of resistance faced by the officer(s).

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## **300.54 SUPERVISOR RESPONSIBILITY**

- (a) In the event an officer becomes a victim and/or a significant level of force was used to effect an arrest, the investigation shall be personally supervised/conducted by the Field Supervisor. If the supervisor is unable to respond, another officer may be designated to investigate the matter. In all such cases, the victim officer's immediate supervisor will be responsible to ensure that a thorough and complete investigation is conducted. The victim officer(s) should not conduct their own investigation; they will assist as directed by their supervisor. A "significant" level of force is that amount of force that results in injury (does not include minor abrasions, cuts, or bruises) to the suspect or a level of force likely to produce great bodily harm.
- (b) The reporting responsibility is not predicated on the charging of a violation of Penal Code §§ 148 or 243. The responsibility will be predicated on the nature and level of force used by the officer, the level of suspect resistance, and whether anyone was injured during the application of force used to overcome resistance.
- (c) If injuries to the officer or arrestee occur that require anything more than basic medical attention, the duty Lieutenant shall be notified immediately.

## **300.55 MEDICAL NEEDS**

Immediate medical needs to an involved party shall be provided. Injuries to all involved parties shall be clearly documented. Copies of any medical report or signed waivers shall be obtained by the investigating officer and processed as physical evidence. Necessary first aid shall be provided to the responsible party/parties once they are safely secured and protected from further injury to themselves or others.

## **300.56 PHOTOGRAPHS**

The investigation shall include photographs of both the victim officer(s) and suspect(s) at the time of the incident/arrest. These photographs shall be taken in all cases, even though there are no signs of injury. The photos will be processed as physical evidence.

## **300.57 WITNESSES**

- (a) Witnesses to the matter shall be identified and interviewed.
- (b) All police officers who are involved in or witness the incident will complete reports documenting their actions and observations, and any witness statements they obtain.
- (c) All witness and suspect statements are to be documented in the investigation. All witness and suspect statements collected in the course of the investigation are to be recorded (may include in-car video). Witness and suspect statements and testimony are crucial evidence in case preparation and court procedures and must not be overlooked or discarded.
- (d) All officers shall activate their recorder during resistive encounters when possible/practical.
- (e) All recordings of contact(s) shall be processed as evidence.

## **300.58 TRANSPORTATION**

Prisoner transportation should not be provided by the victim officer(s). This should be done by another officer or the investigating supervisor. Any exception requires supervisory

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approval and shall be documented in the police report. This transportation should be done as soon as practical after the incident/arrest. The transporting officer will complete a supplemental report as to the circumstances of the transportation, spontaneous statements, any booking incident, and any other information pertinent to the case. The above stated prisoner transportation guidelines to not apply in situations of "flee only" arrests where a violation of Penal Code § 148 is charged.

## **300.59 ARREST REVIEW**

Supervisor arrest review and approval is mandatory. This is to occur as soon as practical following the incident. The approving supervisor is to be listed in the police report. This arrest review and approval shall, when possible, be in person, not via radio or telephone.

## **300.60 REPORT**

- (a) The police report shall be detailed and thorough. It will include specific, detailed information about the events leading up to and involving the incident.
- (b) The officer's report(s) shall be reviewed by the supervisor who approved the arrest, prior to securing from duty. Exceptions to this must be approved by the Watch Commander.

## **300.61 INVESTIGATION SECTION**

In the event the investigation will be lengthy, involve a large number of witnesses, or results in serious injury to either the officer or the suspect, the Field Supervisor may call upon the Investigation Section for assistance.

## **300.62 TEAM/SECTION COMMANDER**

A copy of all reports pertaining to this order shall be sent to the officer's Deputy Chief, Lieutenant, and to the Professional Standards Unit. The Lieutenant shall, in a timely manner, review all reports for compliance with departmental orders and prosecutorial preparation.

## Firearms Discharge Policy

### 304.1 PURPOSE AND SCOPE

The purpose of this 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 him or herself or others from what they reasonably believe would be an immediate threat of death or serious bodily injury.
- (b) An officer may use deadly force to affect the arrest or prevent the escape of a suspected felon where the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- (c) To stop a dangerous animal.
- (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).
- (e) For target practice at an approved range.

Where feasible, a warning shall be given before an officer resorts to deadly force as outlined 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

Warning shots are prohibited.

### 304.13 MOVING VEHICLES

Shots fired at or from a moving vehicle are generally discouraged. 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.

### 304.14 REPORT OF WEAPON DISCHARGE

Any member who discharges their weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to the on-duty



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supervisor as soon as circumstances permit and shall file a written report with their Deputy Chief prior to the end of shift if on-duty and if off-duty, as directed by the supervisor.

## Leg Restraint Device

### 306.1 PURPOSE AND SCOPE

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 the department-approved restraint device will be used, and only in the departmentally manner approved for such temporary immobilization of the legs.

### 306.2 USE GUIDELINES

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

- (a) Is the officer and/or others subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect;
- (b) Is it reasonable to protect the suspect from his or her own actions which would place him or her in danger, i.e., hitting his or her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers.
- (c) The hobble restraint shall be used only after a person has been handcuffed.

### 306.3 PROCEDURE

The hobble is designed to prevent injury to the person in custody or another person, or to prevent property damage caused by the person in custody using their legs in a manner likely to result in injury or damage. The hobble will only be used to bind and immobilize a person's legs. Only those officers trained in the use of the hobble restraint are authorized to employ it on any person. The following guidelines shall be used when applying the Hobble Restraint:

- (a) If practical, officer(s) should notify a supervisor of the intent to apply the hobble restraint. In all cases, a supervisor shall be notified as soon as practical after the application of the hobble restraint;
- (b) Once the person's legs have been bound, the safety clip of the hobble 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;
- (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.

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## **306.31 TRANSPORTING HOBbled SUSPECTS**

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

- (a) Hobbled suspects may be transported in a police car. They shall be seated in an upright position and secured by a seatbelt. 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 a sworn officer.

## **306.4 DOCUMENTATION**

Anytime the hobble is used, the circumstances requiring the use shall be documented in the related report(s). The officer shall 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 (i.e. baton, oleoresin, taser, capsicum spray and other chemical agents).

#### **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.

### 308.2 BATON GUIDELINES

The police baton 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 CHEMICAL AGENTS GUIDELINES

The use of chemical agents for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, incident commander or Emergency Services Unit Commander may authorize the delivery and use of chemical agents, 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). Where 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 chemical agents should discharge such devices at the scene.

### 308.4 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and maintain department issued chemical agents. Chemical agents are weapons used to minimize the potential for injury to officers, citizens or offenders. 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 O.C. spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

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## **308.42 CARRYING OF O.C. SPRAY**

Uniformed field personnel 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 into Property for exchange.

## **308.43 PEPPERBALL SYSTEMS**

PepperBall Projectiles are plastic spheres that are filled with oleoresin capsicum (OC) powder. A high-pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. The potential exists for the projectiles to inflict injury when they strike the face, eyes, neck, and groin. Therefore, personnel deploying the PepperBall System shall avoid intentionally striking those body areas unless a life-threatening situation exists. The use of the PepperBall System is subject to the following requirements:

- (a) Officers encountering a situation that requires the use of the PepperBall System shall notify a supervisor as soon as practical. The supervisor shall respond to all PepperBall System deployments where the suspect has been hit. The field sergeant shall make all notifications and reports as required by the department's Use of Force policy.
- (b) Only qualified, department-trained personnel shall be allowed to deploy and use the PepperBall System.
- (c) Each deployment of a PepperBall System shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used.

## **308.44 TREATMENT FOR O.C. 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.

## **308.45 REPORT OF USE**

All uses of chemical agents shall be documented in the related arrest/crime report.

## **308.5 TASER GUIDELINES**

Personnel who have successfully completed the Department Taser Training Program shall be authorized to carry and use the Taser in accordance with this policy. The Taser is a control device available to officers when circumstances known to the individual officer indicate that it would be reasonable to use the Taser to control violent or potentially violent suspects. It is anticipated that the use of such a device will result in fewer altercation-related injuries to officers and suspects. The purpose of this policy is to deploy and use the Taser to maximize the safety of all individuals involved in an incident.

- (a) **DEFINITION:** TASER- The Taser is a non lethal device used to incapacitate subjects by discharging an electronic current in the subject via two wired probes. The Taser may also be used in a touch-stun capacity with a fired cartridge in the device or when the Taser is not loaded with a cartridge.

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## **308.51 CRITERIA FOR USE**

- (a) The Taser shall only be used by officers and supervisors trained in its deployment and use. Officers shall use the Taser in a manner that is consistent with departmental orders and training guidelines.
- (b) The Taser is **NOT** a substitute for deadly force.
- (c) The Taser shall not be displayed on calls or incidents unless the officer reasonably believes there is a potential for the Taser's use. The circumstances of each call or incident shall dictate the reasonableness for the deployment of the Taser.
- (d) No individual officer shall simultaneously draw and hold a Taser and any firearm.
- (e) The Taser falls within the INTERMEDIATE level for force per the USE OF FORCE General Order.
- (f) The Taser may be used only when necessary to overcome actual or threatened physical resistance encountered in the discharge of an official duty where it is reasonably believed that the use of a less obtrusive method would either allow the individual to escape, or would expose the officer or others to physical injury. When the Taser is used during incidents of threatened physical resistance, officers shall clearly articulate what actions, statements, or facts were present that led the officer to believe that the suspect posed a threat of physical harm to the officer or another person.
- (g) The Taser may be used to protect a subject when that person is either attempting to injure himself or commit suicide.
- (h) The Taser may be used in the touch stun mode to gain control of suspects displaying active resistance. The touch-stun mode shall not be used with a live air cartridge in place.
- (i) Caution shall be used prior to multiple applications of the Taser on an individual. The need for additional applications shall be clearly articulated and shall include the actions of the suspect that led the officer to believe that the suspect still posed a threat to the officer, exposing the officer or others to physical injury. Non-compliance of verbal commands alone is not justification for additional applications. Other factors that shall be considered and articulated are:
  - 1. Number of officers vs. suspect.
  - 2. Suspect displays great strength or fighting ability.
  - 3. Suspects proximity to weapons and specifically what weapons.
  - 4. The presence of drugs and/or alcohol.
  - 5. Confined space or other hazards present at the scene.

## **308.52 AUTHORIZED USE**

- (a) Only those officers who have successfully completed the approved certified training will be authorized to use the Taser. Officers must be re-certified biannually.
- (b) Only department issued Tasers will be used. No personal Tasers will be allowed.

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## **308.53 HOW TO CARRY**

- (a) When in the field, the Taser shall be carried in the department approved holster. The holster shall be carried opposite of the officer's duty sidearm or secured in a locked patrol car.
- (b) The Taser should remain holstered at all times unless it is being tested, inspected, or when used in accordance with department policy.
- (c) The Taser will be carried in the holster with the safety in the "ON" position.

## **308.54 READINESS AND SAFETY OF THE TASER**

- (a) When in the department, the Taser shall be loaded and unloaded with the safety on and using the clearing tube. It should never be pointed towards anyone unless it's use would be justified.
- (b) When stored in the Department, the Taser shall be stored with the safety on and all air cartridges removed. The procedure for storing a Taser in the Department is as follows:
  - 1. Make sure that the safety is on and no fingers are on the trigger.
  - 2. Point the Taser into a clearing tube.
  - 3. Remove the air cartridges from the Taser.
  - 4. Turn in the Taser with the safety on and the air cartridges removed from the Taser.
  - 5. Tasers will be stored with the safety on and no air cartridges attached to them.
- (c) The Taser's energy level should be checked and a spark test done prior to the beginning of each shift. Any Taser with 20% or less energy level should not be used for duty until the battery is replaced or recharged. Any Taser not functioning properly should be tagged and turned in to a Taser Instructor. The procedures for checking the energy level and conducting a spark test are:
  - 1. Make sure the safety is on.
  - 2. Make sure that no air cartridges are attached to the Taser.
  - 3. Point the Taser into a clearing tube.
  - 4. Take the safety off and check the rear display for the energy level.
  - 5. Do a spark test on the Taser pointing it into a clearing tube (a five second test is not necessary). Turn the safety on and look at that Taser to ensure it is no longer arcing.
  - 6. Check active cartridges for integrity. Any cartridges that are damaged or have expired expiration dates will be turned in to a Taser Instructor for proper disposal.
  - 7. Place the spare air cartridge in the holder on the bottom of the Taser grip, if the spare is going to be carried in that location.

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8. Load an air cartridge onto the Taser.
9. Holster the Taser.
10. When in the field and not in use, the Taser will be properly secured in a Taser holster.

## **308.55 DEPLOYMENT OF THE TASER**

- (a) Handle the Taser like you would a loaded weapon.
- (b) No individual officer shall simultaneously draw and hold a Taser and any firearm.
- (c) The Taser shall not be purposely fired at the head, neck, or genital area. The Taser will not be intentionally aimed at any person's eyes.
- (d) Whenever possible, steps should be taken to obtain back up personnel prior to the use of the Taser. Back up personnel should be deployed in such a manner as to enable to them take the suspect into custody.
- (e) Whenever a Taser is to be deployed, it is the responsibility of the deploying officer to make other officers on scene understand that the Taser is being deployed and **NOT LETHAL FORCE**. This should be done prior to the deployment of the Taser if at all possible. This will be done by announcing "Taser" several times.

## **308.56 UNAUTHORIZED USE OF THE TASER**

- (a) The Taser shall never be used near flammable liquids or fumes, blasting caps or explosives, or in highly flammable environments such as clandestine labs.
- (b) The Taser is not intended for use on any known or obviously pregnant females as this could cause complications from secondary injury or fall.
- (c) The Taser is not intended for use on any subject where severe injury would result in a fall from significant heights or into a hazardous environment. When used in or near any body of water the ability to rescue the subject should be taken into consideration.
- (d) The Taser will not be deployed from or at a moving vehicle, unless it can be justified in the defense of one's life or that of another.
- (e) At no time shall the Taser be used for the purpose of punishment or as an interrogative device.
- (f) No officer shall playfully, maliciously, or intentionally misuse the unit in a display of power or against an individual except to lawfully gain control of a situation.
- (g) The Taser will not be used on juveniles who appear to be under 14 years of age except where the juvenile exhibits unusual size, strength, or fighting ability, or is armed with a deadly weapon.
- (h) The Taser is not intended to be used on individuals who are handcuffed except when faced with continued violent resistance.

## **308.57 POST USE PROCEDURES**

- (a) After use of the Taser, as soon as is safe to do so, restrain the suspect.



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- (b) Assess the subject for injuries. Provide appropriate medical attention.
- (c) Probe Removal
  - 1. 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 being booked. 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.
- (d) The tasered subject will be transported to a medical facility for a medical clearance prior to booking.
- (e) Photographs will be taken of the probe impact sites and/or touch stun application points and any other injuries.
- (f) The Taser cartridge and probes used shall be gathered, photographed and disposed of as biohazard. The probes shall be handled in accordance with biohazard materials. The probes shall be inverted and placed into the portals of the spent Taser cartridge and secured in an approved manner. If possible a sampling of AFID (Anti-Felon Identification) "microdots" that are discharged with the probes should be collected and booked in as evidence. Officers should wear protective gloves while handling probes.
- (g) Use of the Taser shall be fully documented in a police report. The expiration date of the cartridge shall be listed in the report and the serial number of the Taser used.

## **308.58 SUPERVISOR RESPONSIBILITY**

- (a) The immediate supervisor will be notified any time a Taser is used on a subject or accidentally discharged.
- (b) The supervisor will:
  - 1. Respond to the scene where the Taser has been deployed.
  - 2. Ensure that appropriate medical treatment is provided to all subjects.
  - 3. Ensure that photographs are taken of injuries including probe penetration sites and any other injuries.
  - 4. Ensure that the incidents involving any discharge of the Taser are investigated and documented per department policy.

## **308.59 REPORTING USE OF TASER**

- (a) Any officer who discharges a Taser for any reason, other than at an approved training exercise, will notify an on-duty supervisor.
- (b) The incident will be appropriately documented according to department policy.
- (c) All accidental discharges of a Taser will be thoroughly documented in a memo. This memo will be routed to the Division Commander via the chain of command.

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## **308.60 TASER CARE**

The Taser shall be encased in its protective holster when not in use. Care should be taken to avoid dropping the weapon or exposing it to significant amounts of moisture. If a Taser has been dropped or otherwise damaged, or is exposed to a significant amount of moisture, do not move the switch to the up (ARMED) position until after conducting the following check:

- (a) Remove the air cartridge immediately.
- (b) If exposed to moisture, dry the weapon thoroughly (at least 24 hours) before proceeding.
  - 1. Remove X26 DPM from the weapon. Remove batteries from the tray.
  - 2. If there is any visible moisture inside the DPM well of the X26 it should be removed for service and turned in to a Taser Instructor.
  - 3. Wipe off all exposed surfaces.
  - 4. After 24 hours, ensure that all components are completely dry. Put the batteries back in.
  - 5. Wait one minute before proceeding to next step.
  - 6. Place the safety switch in the up (ARMED) position. If the weapon discharges without pulling the trigger, place the safety switch in the down (SAFE) position, remove the battery and turn the X26 and battery in to a Taser Instructor.
  - 7. If the weapon does not discharge without pulling the trigger, conduct a spark test for a full five second cycle and ensure a rapid pulse rate and that the discharge stops after five seconds.
- (c) If the Taser does not operate normally turn it in to a Taser Instructor.
- (d) If the Taser operates normally, place the safety switch in the down (SAFE) position and return to normal use.
  - 1. If the Taser is dropped or knocked out of the hand, upon recovery, spark test the Taser as soon as possible to determine if any damage occurred. Prior to performing the spark test, the cartridge will be removed and the Taser pointed in a safe direction. The air cartridge will also be checked to ensure that it is intact and not damaged. There shall be no attempt to alter, tamper with, or repair the Taser by any officer. Defective Tasers will be immediately removed from service and secured in the Equipment Room for inspection by a Taser instructor. The instructor will download all data from the Taser prior to sending it to the factory for repair.

## **308.6 KINETIC ENERGY PROJECTILES**

This Department is committed to reducing the potential for violent confrontations with the suspects we encounter. Kinetic Energy Projectiles are items which 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 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.

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## **308.61 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 third party citizens, and officers, takes priority over the safety of subjects engaged in criminal or suicidal behavior.

## **308.62 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 citizens and/or officers.

## **308.63 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 immediate 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, & physical capacity/capability;
- (e) The proximity of weapons available to the subject;
- (f) The officer's versus the subject's physical factors (i.e., 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.

## **308.64 DEPLOYMENT DISTANCES**

Officers will 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. The Department teaches an acceptable distance of 10-15 yards.

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## **308.65 SHOT PLACEMENT**

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

The most effective shot placement is generally in the upper torso. Shots fired to the extremities, lower abdomen, and buttocks carry a low risk of serious injury (with a low potential for immediate incapacitation).

## **308.66 APPROVED MUNITIONS**

Only Department issued munitions shall be used.

## **308.7 TRAINING REQUIRED FOR USE**

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

## **308.8 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.

## 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.

### 310.2 INVESTIGATION RESPONSIBILITY

This Department conforms to the Santa Cruz County Law Enforcement Chief's Association Critical Incident Protocol for investigating officer-involved shootings.

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.

When a sworn peace officer is involved in a situation resulting in a death or a substantial risk to human life, the resulting investigation is frequently more complex and demanding than such incidents not involving law enforcement officers. This protocol is intended to provide guidance to Santa Cruz County law enforcement agencies in the investigation of these cases which are termed Critical Incidents.

The challenge of investigating a Critical Incident is heightened not only by the complicated nature of the case but also the fact that these events frequently involve multiple witnesses and more than one police jurisdiction. Events may occur in rapid order. The fast pace of the investigation, differing agency investigative procedures, and the need for immediate decision also impact the situation. A protocol in which the framework for Critical Investigations has been thought through in advance of that event can be of an enormous assistance.

This protocol was developed to aid Santa Cruz County agencies with the criminal investigation of an Officer-Involved Critical Incident. Its goals are to assure that: (1) Such cases are fully and fairly investigated; (2) Proper disposition of such cases is based upon all the legal relevant evidence available; and (3) The rights of all those effected are respected.

The protocol does not cover any separate administrative investigation of a Critical Incident. Administrative investigations are within the complete control of the agency employing the involved officer. These administrative investigations are intended to deal with internal issues such as compliance with agency regulation and claims which might be made against the officer or the employing agency. To the extent possible, the criminal investigation conducted pursuant to this protocol shall be kept separate from any contemporaneous administrative review.

While this document represents the understanding and agreement among member agencies as to how such cases are to be investigated, the Protocol:

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- (a) Permits agencies to make modifications in order to meet Individual agency regulations ;
- (b) Is not intended to increase the civil or criminal liability of member agencies or their employee's; and
- (c) Shall not be construed to create any mandatory obligations to, or on behalf of, third parties.

## 310.3 GENERAL POLICY

As would be the case with any criminal Investigation into a death or near death, each Critical Incident Investigation will be performed to develop all available, relevant information about the Critical Incident. It will be handled in a manner which provides for a thorough and credible investigation that is free of conflicts-of-interest or the appearance of them.

The purpose of any Critical Incident Investigation is to:

- (a) Determine whether or not a crime occurred; and
- (b) If a crime did occur, determine the identity of the person(s) legally responsible.

Each investigation shall be performed in a manner consistent with the rights of all affected parties. The investigation of each Critical Incident will commence as promptly as practicable after the occurrence.

## 310.31 DEFINITIONS

- (a) **Critical Incident:** Any Incident in which:
  - 1. A law enforcement agency's sworn and civilian employees, including reserves, cadets, and volunteers;
  - 2. Acting under color of authority;
  - 3. Are directly involved;
  - 4. Where death or the substantial risk of death results.

Examples of such incidents include:

- (a) Intentional and accidental shootings or discharge of firearms. (The Venue Agency or the Employing Agency has the option of requesting the response of the Critical Incident Management Team for missed shots.)
- (b) Intentional use of any other deadly or dangerous weapons.
- (c) Any intentional act on the part of an employee which proximately causes death of another or injury likely to produce death.
- (d) Death of person while in custody or under law enforcement agency control other than while incarcerated in a county jail facility.
- (e) Vehicular collisions.

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- (b) **Peace Officer, Officer:** As used herein, the terms “peace officer” and, simply, “officer” are used interchangeable and encompass the sworn personnel of United States law enforcement agencies, including:
  - 1. Local law enforcement agencies, including, but not limited to, Municipal Police Departments, Sheriff’s Offices, District Attorneys’ Offices, and County Probation Departments.
  - 2. State law enforcement agencies, for example: CHP, DOJ, University Police Departments, State Parole, and State Parks.
  - 3. Federal law enforcement agencies, for example: FBI, ATF, U.S. Marshall, Customs, ICE, and Secret Service.
- (c) **Employing Agency:** Is the law enforcement agency by whom the Subject Officer is employed.
- (d) **Subject Officer:** Is the sworn law enforcement officer(s) directly involved in the Critical Incident’s sequence of events to such an extent that he/she/they may have been a “proximate cause” of the harm or threat of harm to another person.
- (e) **Proximate Cause:** Is a cause which, in a natural and continuous sequence, produces the death or creates the substantial risk of a death, and without which cause, the death or substantial risk of a death would not have occurred.
- (f) **Critical Incident Investigators:** Are the persons assigned by the Critical Incident Management Team.
- (g) **Venue Agency:** Is the agency, or agencies, within whose geographic jurisdiction the “Critical Incident” occurs.

THE VENUE AGENCY FOR THE FOLLOWING AREAS ARE DESIGNATED AS FOLLOWS:

Santa Cruz County Sheriff-Coroner:

- 1. All unincorporated areas of the County (including other legal entities and districts);
- 2. Sheriff’s custodial facilities within Santa Cruz limits, including Water Street, Blaine Street and those portions of the County Governmental Center which constitute the courts building and the Board of Supervisors Chambers;
- 3. Sheriff’s custodial facilities within Watsonville City limits, including, but not limited to, that facility located in the County Courthouse at 1430 Freedom Boulevard and the courtroom;
- 4. The California Youth Authority Facility, Ben Lomond;
- 5. Santa Cruz County Probation Department (Graham Hill Complex).

Santa Cruz Police Department:

- 1. All incorporated areas of the City of Santa Cruz (including other legal entities and districts).

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Scotts Valley Police Department:

1. All incorporated areas of the City of Scotts Valley (including other legal entities and districts).

Capitola Police Department:

1. All incorporated areas of the City of Capitola (including other legal entities and districts).

Watsonville Police Department:

1. All incorporated areas of the City of Watsonville (including other legal entities and districts) except as listed in (a, 3) above.

University of California Police-Santa Cruz:

1. All areas within the boundaries of the University of California (including other legal entities and districts).

California Highway Patrol:

1. All incidents involving a fatal traffic collision on any public or private road.

## **310.32 CRITICAL INCIDENT MANAGEMENT AND TEAM MOBILIZATION**

(a) Mobilization of the Critical Incident Management Team

1. The on-scene agency(s) will review the available facts and make a preliminary determination of whether this Protocol may apply.
2. If it is preliminarily determined that this Protocol may apply, then the on-scene agency(s) will make a preliminary decision designating the Venue Agency, and any other agency directly involved.
3. The on-scene agency(s) will immediately contact the Venue Agency's watch commander to advise him/her of the facts and the necessity of initiating the procedure to call together a Critical Incident Management Team.
4. The Venue Agency's watch commander will notify the appropriate individuals within his/her chain of command. Including the managers empowered to invoke this Protocol.
5. The Venue Agency will invoke the Protocol and initiate a call to other identified agencies, convey the facts underlying the call out and ask each agency to send its assigned Critical Incident Management Team member to a designated location.

(b) The Venue Agency will note, in writing, the identities of each agency representative who responds.



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## **310.33 COMPOSITION OF THE CRITICAL INCIDENT MANAGEMENT TEAM**

- (a) The Management Team will be comprised of one management-level representative from each of the following: the Venue Agency, the Employing Agency (if different from the other here enumerated agencies), the Office of the District Attorney, and the Sheriff-Coroner's Office.
- (b) In the event that any law enforcement agency, not a signatory to this Protocol, has an employee who is a subject officer in the Critical Incident, that agency shall have a management-level representative on the Critical Incident Management Team.
- (c) All members of the Management Team shall have authority to make policy decisions and commit resources on behalf of their employing agencies without further inquiry.
- (d) Each signatory agency will maintain a list of its own personnel who satisfy this criteria. Signatory agencies will ensure that their lists are available to those persons likely to receive a call to initiate the Critical Incident Management Team.
  - 1. The representative from the Venue Agency will be in charge of the team and will be designated the "Critical Incident Commander".
  - 2. The Venue Agency may elect to cede the role of Critical Incident Commander to another member of the Critical Incident/Management Team.
  - 3. Critical Incident Management Team members will initially meet at the Venue Agency's office unless instructed to the contrary.
  - 4. The Critical Incident Management Team will make the final determination of the Venue Agency.
  - 5. The Critical Incident Management Team shall have the authority to call upon the resources of the signatory agencies.
  - 6. The Critical Incident Management Team will establish a command post.
  - 7. The Critical Incident Management Team will manage and direct the investigation utilizing Venue Agency resources as much as possible (personnel, equipment, money).

## **310.34 INVESTIGATIVE RESPONSIBILITY**

- (a) Until a Critical Incident Management Team designates the Critical Incident Investigative Team and that Team begins to assume investigative responsibility, immediate investigative responsibility will rest with the Venue Agency.
- (b) The Venue Agency may defer this investigative authority to the Employing Agency if all of the following are determined at the time of the Critical Incident:
  - 1. The subject officer was on duty;
  - 2. The subject officer was in the performance of official duties; and
  - 3. The subject officer was acting in connection with a criminal matter originating in the Employing Agency.

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## **310.35 RESPONSIBILITY FOR THE CRITICAL INCIDENT SCENE**

- (a) Under the direction of and reporting to the Critical Incident Management Team and its Lead Investigator, the Venue agency will follow its normal procedures in securing the scene, identifying, isolating, and interviewing witnesses.
- (b) Pursuant to this, the Venue agency will start a chronological log of activity including, but not limited to, time received, arrived, responding units, when call-outs made, etc.
- (c) Designation of the Lead Critical Incident Investigator:
  - 1. The Critical Incident Management Team will determine the identity of the lead Critical Incident Investigator. Normally, the Lead Investigator will be an employee of the Venue Agency who has sufficient training, and experience to run the Critical Incident Investigation.
- (d) The lead critical Incident Investigator shall report and be responsible to the Management Team for his/her handling of the investigation. The Lead Investigator, through individual Management Team members, may call upon the various investigative resources of the other Agencies comprising the Management Team. The Lead Investigator will be given the authority to conduct the Critical Incident Investigation as he/she sees fit, subject to the direction and control of the Management Team.
- (e) In Critical Incidents where a vehicular collision or other vehicular movement is involved, the California Highway Patrol may be called upon for investigatory assistance in that phase of the Critical Incident Investigation.

## **310.36 DISTRICT ATTORNEY'S ROLE IN THE INVESTIGATION**

The District Attorney, or his designated Deputy, will assist and advise the Lead Critical Incident Investigator on the various relevant legal issues (including, for example, search and seizure, Miranda, identification procedures, arrests, elements of crimes, immunity, and voluntariness) and assist the police investigation as a member of the Critical Incident Management Team.

Following completion of the investigation, the District Attorney will determine if criminal liability exists, and prosecute as appropriate.

- (a) The District Attorney also has the right to perform his/her own investigation of the critical incident, independent from the police investigation. If such an independent investigation is being conducted, the District Attorney will notify the Critical Incident Management Team and the Venue Agency, except if notification would compromise the integrity of the independent investigation.
- (b) A District Attorney Investigator assigned to participate as a Critical Incident Investigator assisting or teamed with a Venue Agency Critical Incident Investigator will not be a member of participant of an Independent District Attorney investigation unless the Venue Agency is notified of such a dual role.

## **310.37 WORKING WITH THE SUBJECT OFFICER**

One obligation of the Critical Incident Management Team is to ensure the consistent and fair treatment of all persons involved including law enforcement employees who are involved in

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critical incidents, maintain the integrity of the investigations, and ensure the proper handling of evidence. Therefore, the Critical Incident Management Team and its Investigators should:

- (a) If at all possible, avoid taking the subject officer to the same medical facility as the suspect.
- (b) As the subject officer if he or she wishes to have another officer stay with him/her (one not involved in the critical incident).
- (c) Explain the investigative process to the subject officer(s), review this Protocol with them and give them a copy of it.
- (d) Separate subject officers, if there are two or more of them, as soon as possible after the Critical Incident.

## **310.38 EVIDENCE COLLECTION**

The goal of the evidence collection is to ensure that all items relevant, or possibly relevant, to a critical incident are located, collected and preserved; that the items be analyzed by a criminologist or forensic professional as soon as possible; and that the chain of evidence is established and remains clear through storage, analysis, and presentation to administrators, boards and the courts.

- (a) Crime scene evidence collection shall be the responsibility of the Santa Cruz County Sheriff's Office Crime Scene Investigation Unit.
  - 1. All of the firearms, which have been used and all ammunition which the officer is carrying, should be collected for testing.
  - 2. Collection of the firearm magazines and entire gun belt should be done in an "as is" condition and collected as soon as reasonable.
  - 3. If at all possible, officers will not be relieved of their guns in front of other people.
  - 4. If at all possible, at the time officers are relieved of their guns, the on-scene supervisor will replace the guns with substitutes.
  - 5. The subject officer(s) uniform condition should be documented.
    - (a) Photographs should be taken of the officer in his/her uniform in where Official ID might be challenged.
    - (b) In cases where there may be evidence on the uniform, the uniform should be collected as evidence.
- (b) All evidence will be booked at the Sheriff's Office.
- (c) The District Attorney's Office will review the collected evidence within 72 hours.
  - 1. The District Attorney and the Critical Incident Management Team will designate which items of evidence will be sent for processing.
  - 2. The Sheriff's Office will cause the evidence to be delivered to the proper facility to complete the requested analysis.

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- (d) Upon completion of the criminal investigation, the Sheriff's Office will deliver the evidence and original reports to the Venue Agency for storage.
  - 1. All evidence not sent for analysis will also be sent to the Venue Agency, along with the original reports.
- (e) The Critical Incident Commander or his/her designee will, if requested, present the evidence and case information to the Venue or legitimate authorized entity.

## **310.39 OBTAINING INFORMATION FROM AND INTERVIEWS WITH SUBJECT OFFICERS**

- (a) Peace Officers will be afforded the same rights as other citizens in a criminal investigation. The Peace Officer's Bill of Rights (Government Code §3300 et seq.) are applicable in administrative procedures arising out of this incident.
- (b) A peace officer who is the focus of a criminal investigation cannot be compelled to answer questions. Officers can be ordered to respond in an administrative investigation, however, information obtained under compulsion in this way cannot be used in the criminal case.
- (c) The only types of information that can be compelled from a subject peace officer at the scene of a critical incident are those directly related to immediate public safety issues. A subject officer can be compelled to provide a verbal summary of the occurrence including:
  - 1. The direction of fire and number of rounds expended for each "shooter";
  - 2. Whether any suspects remain at large;
  - 3. The location of possible other parties injured during the incident.
- (d) Any questions may be asked of him unless there is sufficient probable cause to believe that the subject officer has committed a crime and is no longer free to go. If the latter is the case, the subject officer should be Mirandized before obtaining information from him/her.
- (e) The foregoing are some of the reasons why Critical Incident Investigators and the Critical Incident Management Team must maintain a separation between their own criminal investigation and any administrative investigation. For example, administrative investigators cannot question subject officers in the presence of Critical Incident Investigators.
- (f) In addition, the Critical Incident Investigators will observe the following rules:
  - 1. Interviews with all peace officers, whether subjects or witnesses to a Critical Incident, will be tape recorded.
  - 2. The interviews should be conducted by the Critical Incident Investigator(s) designated by the Lead Investigator. The Lead Investigator will determine who may participate in the interview of any subject officer(s) or witnesses and where the interview(s) will take place.
  - 3. The assigned District Attorney Critical Incident Investigator and the Employing Agency Critical Incident Management Team member, if not

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physically present during the interview, will be permitted to monitor the interview or have immediate access to any tape recording made of the interview.

- (g) If prior to or during the interview, it is deemed that the subject officer (or any other officer) may be charged with a criminal offense or that the interview has become custodial, the officer shall be immediately informed of his/her constitutional rights pursuant to the Miranda Decision.
- (h) A request by a subject officer to consult with a representative prior to being questioned by Critical Incident Investigators will be honored. Some or all of these considerations may be applicable:
  - 1. The request should be treated as if it were a request by a civilian subject for the same privilege.
  - 2. While such consultation can be expected to delay certain investigation milestones, the consultation should not be allowed to improperly impede the investigation.
  - 3. The representative should be permitted to consult with only one subject officer at a time.
- (i) Critical Incident Investigators shall bear in mind and remind subject and witness officers that if the officers consult with peer counselors or other officers prior to being questioned, any statements or other information communicated may be subject to discovery.
- (j) In all instances, all witnesses (sworn and civilian) and subject officers should be separated as soon as possible after the Critical Incident. Statements and recollections of events should be independent.

## 310.4 INTOXICANT TESTING OF SUBJECT OFFICERS

- (a) If the Lead Critical Incident Investigator determines that a peace officer's state of sobriety is relevant to the Critical Incident Investigation, he/she shall proceed as he/she would with any civilian person in a similar situation. The options are to:
  - 1. Obtain a blood sample for alcohol testing, and/or urine sample for drug testing, by obtaining the officer's consent; or
  - 2. Obtain the blood sample for alcohol testing and/or urine sample for drug testing incidental to the arrest of that person for a crime; or
  - 3. Obtain a search warrant authorizing the compelled testing.
- (b) In the event appropriate physiological samples are not obtained from a subject officer as part of the Critical Incident Investigation, the Employing Agency (whether or not it is also the Venue Agency) may wish to obtain such a sample(s) for employment-related Administrative Investigation purposes. The options are to:
  - 1. Obtain the sample(s) with the employee officer's consent; or

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2. Obtain the sample(s) by ordering the employee officer to provide such sample(s) based upon the employer-employee relationship. Physiological samples obtained as a result of an administrative order by the Employing Agency cannot be used for any purpose in the Criminal Incident Investigation.
- (c) Law Enforcement Agencies may establish blanket orders regarding intoxicant testing of any public safety employee involved in a Critical Incident.
  - (d) Time is of the essence: It is essential that the Critical Incident Investigators determine whether and how they will attempt to obtain a sample for intoxicant testing from any subject officers and thereupon inform the Employing Agency's Critical Incident Management Team member of their decision. Any delay can result in a less accurate test result for the Employing Agency if that Agency elects to utilize intoxicant testing on its own.
  - (e) If the Employing Agency asks for a physiological fluid sample for administrative purposes after the Critical Incident Investigators have either been unable to obtain a sample or have decided against obtaining one, the Employing Agency will be accommodated as much as possible.
  - (f) A subject officer may volunteer to provide a physiological fluid sample for intoxicant testing even if the Critical Incident Investigators and Employing Agency have not requested or ordered one (respectively). Similarly, a person from whom a sample has been taken by the Critical Incident Investigators or the Employing Agency may wish to have a second sample taken for independent testing. Such requests should be accommodated where practical, with the understanding that the subject officer will bear any expense for sample collection and testing.

## **310.5 AUTOPSY**

- (a) At least one of the Venue Critical Incident Investigators shall attend the autopsy. A member of the District Attorney's staff may also be present. The Santa Cruz County Sheriff's Office Crime Scene Investigation Unit will have the responsibility for collection and documentation of physical evidence at the autopsy.
- (b) If the Employing Agency is not the Venue Agency, it may have a representative present as an observer subject to the discretion of the Coroner's Office.
- (c) The pathologist should receive a full and complete briefing prior to the post-mortem examination. The briefing should include all information known at that time which may be relevant to the establishment of the cause, manner and means of decedent's death. The Lead Critical Incident Investigator and a member of the evidence collection team should be present at the briefing.

## **310.6 NEWS MEDIA RELATIONS**

While any agency with knowledge of a Critical Incident cannot be prohibited from making statements to the news media, these guidelines are established.

As the Venue Agency's member on the Critical Incident Management Team is in the best position to comment about the facts of the case and the progress of the investigation, other Agencies will refer media contacts to him/her apart from the following:

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## **310.61 THE EMPLOYING AGENCY**

When the Employing Agency is not also the Venue Agency, the Employing Agency will try to limit its comments to the following areas:

- (a) Confirmation of the employer-employee relationship.
- (b) Information which has been cleared for release by the Venue Agency.
- (c) The existence of the Critical Incident Management Team and Investigators, as well as the instant Protocol.
- (d) The existence of an Internal Agency administrative inquiry.

## **310.62 THE DISTRICT ATTORNEY**

- (a) Prior to completion of the Critical Incident Investigation, the District Attorney's Office will try to limit its comments to information cleared for release by the Venue Agency and the existence of the Critical Incident Management Team and Investigators, as well as the Instant Protocol.
- (b) In cases presented to the Grand Jury, where an indictment is not returned, disclosure of all or part of the testimony of witnesses before the Grand Jury can be disclosed only upon order of the Court pursuant to Penal Code §924.6. Other information may be disclosed in accordance with the media policy of the agency to which inquiry is made.
- (c) In cases where charges are to be filed, each agency involved will follow the media policy which it has established for dealing with inquiries concerning criminal cases.

## **310.63 THE CRIMINALISTICS LABORATORY**

Information released will generally be confined to laboratory procedures, scientific facts and principles, and testing procedures. Results of searching, testing and analysis will generally not be released without consulting the Venue Agency and the District Attorney.

## **310.64 THE CORONER'S OFFICE**

- (a) Release of information will generally be limited to the following:
  - 1. Autopsy findings, including the condition of the deceased, the cause of death, and toxicology test results, after the involved agencies have received this information.
  - 2. The identity of those present at the autopsy, including the identity and affiliation of the pathologist(s).
  - 3. The general nature of further medical testing or medical investigation to be done.
  - 4. Information obtained by Coroner's Investigators directly from medical sources, the deceased's family members, or witnesses. Information obtained from the Critical Incident Investigators or from the involved agencies will not be released by the Coroner's Office without prior clearance from those agencies.

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5. The role of the Coroner's Office in the investigation of death, in general terms.
- (b) If the Lead Critical Incident Investigator determines that the release of a specific piece of information would jeopardize the investigation, he/she shall notify those agencies possessing that knowledge of the hazards of releasing it.
- (c) Interruptions to the investigators will be minimized if the Venue Agency assigns a particular individual to be the sole contact with the news media. If this is not feasible, a particular job assignment (e.g. Watch Commander) will be designated.
- (d) The interest of the public's right to know what occurred must be balanced with the requirements of the investigation and with the right of a defendant to receive a fair trial.

## 310.7 RELEASE OF NAMES OF SUBJECT OFFICERS IN CRITICAL INCIDENTS

- (a) Generally, member agencies release the names of its Department personnel involved in Critical Incidents. The release of the names should only be made after the concerned Officer(s) have had an opportunity to notify their families.
- (b) If the Officer is working undercover or in another Assignment or circumstances that would be compromised by releasing his/her name, then the release shall not be made.

## 310.8 COMPLETION OF THE CRITICAL INCIDENT INVESTIGATION AND FORWARDING OF THE REPORT

Expedient completion of the Critical Incident Investigation Report and forwarding it to the District Attorney for his/her further consideration are very important. Once the Critical Incident Investigative Report has been completed to the satisfaction of the Lead Investigator, he/she shall forward it to the Critical Incident Management Team. The Management Team shall review the report.

- (a) In the event that a majority of the members of the Management Team are not satisfied with the report, they may send it back to the Lead Investigator with instructions for further work.
- (b) When a majority of the members of the Management Team are satisfied with the report, the Team may arrange the distribution of the report to the following individuals:
  1. The administrative head of the Venue Agency;
  2. The administrative head of the Employing Agency, if different;
  3. The Sheriff;
  4. The District Attorney.



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## 310.9 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 Professional Standards Unit 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). (Govt. Code § 3303(g))
  2. 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.
  3. 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.
  4. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. (Govt. Code § 3303(i))
  5. Administrative interview(s) should be tape recorded by the department (the officer may also record the interview - Govt. Code § 3303(g))
  6. The officer shall be informed of all constitutional "Miranda" rights (Govt. Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Govt. 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).
  7. The administrative interview shall be considered part of the officer's confidential personnel file.
  8. The Professional Standards Unit shall compile all relevant information and reports necessary for the department to determine compliance with applicable policies.
  9. The completed administrative investigation shall be submitted to the Deputy Chief.
  10. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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## **310.91 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of the department's legal counsel 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 an approved armorer to insure it meets factory specifications. No firearm shall be carried by a member who has not qualified with that weapon. All handguns will be carried in holsters in compliance with the department holster policy.

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

#### **312.21 DUTY WEAPONS**

Only Department owned rifles or shotguns will be carried on-duty, unless otherwise authorized in writing by the Chief of Police.

All on-duty handguns are to be semi-automatic pistols (no single action only models are permitted).

Department issued handguns are:

MAKE	MODEL	CALIBER
Beretta	92F	9mm
Smith & Wesson	5906,6906, &3913	9mm
Glock	22,23, &27	40 cal

In addition, officer-owned Block, Para Ordnance, Sig Sauer, Heckler and Koch, Beretta or Smith & Wesson in 9MM, 10MM, .40 cal., or .45 cal. are authorized for on-duty use.

#### **312.22 AUTHORIZED SECONDARY WEAPONS**

Officers desiring to carry a secondary weapon are subject to the following restrictions:

- (a) The weapon shall be of the following make and caliber:

Make:

Smith & Wesson, Colt, Ruger, Dan Wesson, Taurau, Charter Arms, North American Arms, Beretta, Sig Sauer, Glock, Heckler & Koch, Browning, Para Ordnance, Walther, Kimber, Springfield, or Kahr.

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Caliber:

.22 short, .22 long, .22 magnum, .25, .32, .380, .38, .38 super, .357 sig., .357, .40, .44, .45, 9 mm, 10 mm.

- (b) Only one secondary weapon may be carried at a time;
- (c) The purchase of the weapon and ammunition shall be the responsibility of the member;
- (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 or his/her designee shall approve ammunition;
- (g) Personnel shall qualify with the secondary weapon under the supervision of a Department Firearms Instructor. 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 firearms team OIC.

## **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 (i.e. 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 the following make and caliber:  
Make:  
Smith & Wesson, Colt, Ruger, Dan Wesson, Taurus, Charger Arms, North American Arms, Beretta, Sig Sauer, Glock, Heckler & Koch, Browning, Para Ordinance, Walther, Kimber, Springfield, or Kahr.  
Caliber:  
.22 short, .22 long, .22 magnum, .25, .32, .380, .38, .38 super, .357 sig., .357, .40, .44, .45, 9mm, or 10mm
- (b) The purchase of the weapon and ammunition shall be the responsibility of the member;
- (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 an approved armorer to insure it meets factory specifications prior to being carried off-duty. A firearms team member shall assure that the officer is proficient in handling and firing that weapon and the weapon shall be subject to inspection whenever deemed necessary. The officer will successfully qualify with the weapon prior to it being carried and annually thereafter. The range qualification dates will be specified by the firearms team OIC;

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- (e) A complete description of the weapon(s) shall be contained on the qualification memo. Qualification memos will be routed to the training manager by the firearms team OIC;
- (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 new manufacture and approved by the Chief of Police or his/her designee;
- (h) 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;
- (i) Officers must carry their badge, department identification card, and California driver's license;
- (j) No officer may carry a firearm while off-duty until successful completion of the Santa Cruz Police Department FTO program. An officer in the FTO program may carry their on-duty firearm while responding to and from work/court.

## **312.24 AMMUNITION**

Officers shall carry only department-authorized ammunition.

## **312.25 ALCOHOL & DRUGS**

Weapons shall not be carried by any officer who has consumed an alcoholic beverage, or by any officer<sup>5</sup> who has 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 a Department firearms instructor.

- (a) Any approved laser sight shall be installed only pursuant to manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to insure proper functionality and sighting of the weapon prior to carrying it. The officer will be required to qualify with and without using the laser sights at each department qualification for that weapon.
- (c) The officer must be able to properly holster the weapon with the laser sight attached to the weapon. The laser sight shall remain attached to the weapon while it is being carried on duty.

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:

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## **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 police range, and shall obey all orders issued by a firearms instructor. Officers shall not "dry fire" or practice "quick draws" except under the supervision or directions of a firearms instructor.
- (c) Any member who discharges his or her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to the on-duty supervisor as soon as circumstances permit and shall file a written report with their Deputy Chief prior to the end of shift if on-duty. If off-duty, a written report shall be filed within 24 hours of the incident, unless otherwise directed by either a Deputy Chief or the Chief of Police.
- (d) Officers shall not load nor unload a firearm in the Department, except at the range or by using a clearing tube. The cleaning and/or repairs of firearms with the Department shall be done at the range.
- (e) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded with the safety on and by using either on the range or by using a clearing tube. If outside, the weapons will be pointed down in a safe direction, outside of the vehicle, with the safety on prior to unloading.
- (f) Officers shall not place or store any firearm or other weapon in department premises except when the place of storage is locked. No one shall carry firearms into the prisoner interview room or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. An officer may be armed when initially bringing a prisoner into the prisoner interview room, but shall secure all firearms as soon as practical after the prisoner is secured in one of the interview rooms.

## **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 also result in criminal prosecution under Penal Code § 12035.

## **312.4 FIREARMS QUALIFICATIONS**

All sworn personnel are required to qualify semi-annually with their on-duty handgun, and annually with all other weapons carried either on or off duty. Deputy Chief's and the Chief of Police are exempt from qualifying on the department issued rifles, unless they opt to carry one. All qualifications shall be documented by the firearms team OIC in a memo to the training manager. The training manager shall maintain all records for firearms training and qualifications.

## **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 complete a report to their immediate supervisor prior to

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the end of the required shooting period. It will be the responsibility of the officer to coordinate a make up qualification with the firearms team OIC before returning to full duty. 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.

## 310.5 FIREARMS TEAM DUTIES

- (a) **Firearms Team Manager:** The range will be under the exclusive control of the firearms team manager. The firearms team manager will be responsible for advising the Chief of Police of recommendations or concerns of the firearms team. Any member of the firearms team may be removed at any time from the firearms team at the discretion of the firearms team manager.
- (b) **Firearms Team OIC (Officer in Charge):** The OIC shall be appointed by the firearms team manager. The OIC shall schedule firearms team meetings, department firearms training, department qualifications, and annual weapon inspections. The OIC shall document all department firearms training and qualifications within 28 days of the completion of the training or qualification. This documentation shall be routed to the training manager. The training manager will be responsible for maintaining accurate records on all department firearms training and qualifications. The OIC shall be responsible for maintaining accurate inspection and repair records on all department firearms.
- (c) **Firearms Team Member:** Firearms team members will design and assist in department trainings as needed. Firearms team members shall document all firearms training of members of this department in a memo to the OIC, within 14 days of the completion of the training.

## 312.6 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. All on-duty weapons shall be inspected annually by an armorer to verify the serviceability of the weapons. 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.

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## **312.61 REPAIR OR MODIFICATIONS OF DUTY WEAPONS**

The Firearms Team Manager shall be the only person to authorize any modifications to any department owned or any personally owned weapon carried by a member of this department either on or off duty. All repairs and/or modifications of weapons carried on or off duty shall be done by an authorized Department armorer or a department approved gunsmith. Any repairs or modifications to the officer's personally owned weapon shall be done at his/her expense.

## 312.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. Here are the guidelines that will directly affect our Department and personnel:

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes; and
- (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; and
- (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; and
- (d) Officer(s) must have completed the now mandated TSA security training, covering officers flying while armed. The training shall be given by the department appointed instructor; and
- (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; and
- (f) Discretion must be used to avoid alarming passengers or crew by displaying your firearm. The firearm must be kept on your person concealed at all times, and may not be stored in an overhead compartment; and
- (g) Never surrender your firearm to anyone. Resolve any problems with a management representative of the air carrier, which may include the flight Captain and/or ground security manager; and
- (h) No armed officer may consume any alcoholic beverage while aboard an aircraft, or eight hours prior to boarding an aircraft.

## 312.8 CARRYING FIREARMS OUT OF STATE

Pursuant to 18 USC 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.



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- (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 USC 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:

- (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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## Vehicle Pursuit Policy

### 314.1 PURPOSE AND SCOPE

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 innocent motorists and police 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 our 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 desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

#### **314.11 POLICE PURSUIT DEFINED**

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.

#### **314.12 FAILURE TO YIELD**

Refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner.

### 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.

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## **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.

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

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others;
- (c) Apparent nature of the fleeing suspect(s), i.e. 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 which 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 air unit assistance.
- (l) The police vehicle is carrying passengers other than police officers (a pursuit shall 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 § 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).

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In addition to the factors listed in § 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;
- (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) When 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 consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Are the pursuit speeds unsafe for the surrounding conditions?
- (b) Are the speeds being reached beyond the driving ability of the officer?
- (c) Are the speeds beyond the capabilities of the police vehicle thus making its operation unsafe?

## **314.3 PURSUIT UNITS**

Pursuit units shall be limited to two vehicles. A supervisor may join in the pursuit as a third unit. A supervisor may authorize 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 shall 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 lighting shall replace a police motorcycle, from any jurisdiction, involved in a pursuit unit as soon as practical.

## **314.32 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

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

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## **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.

Notify Communications 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, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit in order to concentrate on pursuit driving.

## **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) Officers shall 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:

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1. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
2. Requesting other units to observe exits available to the suspect(s).
3. Notifying the California Highway Patrol and/or other jurisdictional agency.
4. 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.

## **314.36 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

There shall 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 shall 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 shall be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit by the duty supervisor.

## **314.37 PURSUIT TRAILING**

In the event that 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 access to aircraft assistance is available, it 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 department officers.

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

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines;
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Control and manage SCPD units when a pursuit enters another jurisdiction;
- (i) 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 Manager.

## **314.42 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.

## **314.5 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.

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

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and our assistance 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.

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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.

## **314.52 PURSUITS EXTENDING INTO THIS DEPARTMENT'S JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department shall not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit and without supervisory approval.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this department's jurisdiction, the supervisor should consider the 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.

This department's assistance to a pursuing agency will terminate at the city limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this Department may continue only with supervisory approval.

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

## **314.6 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 road spikes.

### **314.61 WHEN USE AUTHORIZED**

In deciding whether to use road spikes, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of the tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use the 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.

Spikes or tack strips shall not be used on motorcycles.



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## 314.62 DEFINITIONS

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

## 314.63 USE OF FIREARMS

Firearms shall not be used to disable a pursued vehicle. 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.

## 314.64 INTERVENTION STANDARDS

Any Pursuit Intervention Technique, 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.

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.

## 314.65 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.

## 314.7 REPORTING REQUIREMENTS

The following reports shall 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 a Pursuit Report to be reviewed by the Watch Commander and filed with the CHP either electronically or on paper not later than thirty (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. All 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;

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- (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 resulting injuries 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) The field supervisor shall promptly complete an entry into the Supervisor's Log summarizing the pursuit. The entry shall contain, at a minimum, the following information:
- 1. Date and time of pursuit;
  - 2. Length of time of pursuit;
  - 3. Involved units and officers;
  - 4. Initial reason for pursuit;
  - 5. Starting and termination points;
  - 6. Disposition: arrest, citation, etc. Arrestee information shall be provided if applicable;
  - 7. Injuries and/or property damage;
  - 8. Medical treatment; and
  - 9. Name of supervisor at scene.
  - 10. The on-duty Watch Commander shall determine the need for any additional review and/or follow up.

## **314.71 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary POST training on pursuits required by Penal Code § 13519.8, all 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 member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

## **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 1995 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 operate a steady forward facing red light and sound the siren.

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

Officers not authorized to respond "Code 3" shall observe all traffic laws and proceed without the use of red 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 Communications.

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 feels a Code 3 response to any call is appropriate, the officer shall immediately notify Communications. Generally, only one unit should respond Code 3 to any situation. Should another officer feel a Code 3 response is appropriate, Communications shall be

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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, and be able to stop safely.

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 Communications. 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 SUPERVISORY RESPONSIBILITIES

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

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

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

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

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

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

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## 316.7 FAILURE OF EMERGENCY EQUIPMENT

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

## Police Service Dog Program

### 318.1 PURPOSE AND SCOPE

The police service dog Program was established to augment police services to the community. Highly skilled and trained teams of handlers and police service dogs have evolved from the program and are used to supplement police operations to locate and apprehend criminal offenders.

### 318.2 GUIDELINES FOR THE USE OF POLICE SERVICE DOGS

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

- (a) There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any officer, or the handler; or
- (b) The individual is physically resisting arrest or threatening to resist, and the use of a police service dog reasonably appears to be necessary to overcome such resistance; or
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the police service dog would pose a threat to the safety of officers or the public; or
- (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 police service dog in view of the totality of the circumstances.

**NOTE:** Absent reasonable belief that an individual has committed, is about to commit, or is threatening to commit a serious criminal offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a police service dog to apprehend an individual.

### 318.21 PREPARATIONS FOR UTILIZING A POLICE SERVICE DOG

Prior to the use of a police service dog to search for or apprehend any individual, the police service dog 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 police service dog is released;

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- (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 police service dog handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a police service dog 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 POLICE SERVICE DOG**

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a police service dog will be released if the person does not come forth, shall be made prior to releasing a police service dog. The police service dog handler, when practical, shall first advise the supervisor of their decision if a verbal warning is not given prior to releasing the police service dog. 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 POLICE SERVICE DOGS**

A narcotic-detection-trained police service dog 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 police service dog in support of probable cause;
- (c) To search vehicles, buildings, bags, and any other articles deemed necessary;
- (d) A narcotic-detection police service dog will not be used to search a person for narcotics.

### **318.24 REPORTING USE OF A POLICE SERVICE DOG**

Whenever the police service dog is deployed, a Police Service Dog Use Report shall be completed by the handler and turned in to the Unit Commander before going off duty.

### **318.25 REPORTING POLICE SERVICE DOG BITES OR INJURIES**

If a bite or injury results from the use of the police service dog, that information shall be documented on a police service dog 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 police service dog, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs will be 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 shall standby with the suspect until treatment has been rendered;

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- (b) Whenever a bite results, the handler shall notify the Animal Services Authority immediately by telephone. The name of the ASA employee and time of notifications shall be noted in the Police Service Dog Use Report;
- (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 shall be photographed.

## **318.26 REPORTING POLICE SERVICE DOG INJURIES**

In the event that a police service dog is injured, the injury will be immediately reported to the Watch Commander.

Depending on the severity of the injury, the police service dog 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 Police Service Dog Use Report Form.

## **318.27 ASSIGNMENT OF POLICE SERVICE DOGS**

The police service dog teams shall be assigned to the Operations Division.

## **318.3 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

The Watch Commander must approve all requests for police service dog assistance from outside agencies subject to the following provisions:

- (a) Police service dog teams shall not be used outside the City of Santa Cruz 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 police service dog is to be used for a specific assignment;
- (c) Police service dog teams shall not be called out while off duty or used outside the city of Santa Cruz unless authorized by the Watch Commander.

## **318.31 REQUEST FOR PUBLIC DEMONSTRATIONS**

All public requests for a police service dog team shall be approved by the Deputy Chief prior to making any commitment.

Handlers shall not demonstrate any "apprehension" work to the public unless authorized to do so by the Deputy Chief.

## **318.4 SELECTION OF POLICE SERVICE DOG HANDLERS**

The following are the minimum qualifications for the assignment of police service dog handler:

- (a) Santa Cruz Police Officer (currently off probation);
- (b) Reside in an adequately fenced residence (minimum five-foot high fence with locking gates);



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## 318.5 POLICE SERVICE DOG HANDLER RESPONSIBILITIES

Police service dog handlers shall be responsible for, but not limited to, the following:

### **318.51 AVAILABILITY**

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

### **318.52 CARE FOR THE POLICE SERVICE DOG AND EQUIPMENT**

The handler shall ensure that the police service dog receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

- (a) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.;
- (b) When a handler takes a vacation or extended amount of days off amounting to a week or longer, the police service dog vehicle shall be maintained at the police department facility;
- (c) Handlers shall permit the Unit Commander to conduct spontaneous on-site inspections of affected areas of their residence as well as the police service dog unit, to verify that conditions and equipment conform to this policy;
- (d) Any changes in the living status of the handler which may affect the lodging or environment of the police service dog shall be reported to the Unit Commander as soon as possible;
- (e) Under no circumstances will the police service dog be lodged at another location unless approved by the Unit Commander or Watch Commander;
- (f) When off-duty, handlers shall not involve their police service dogs in any activity or conduct unless approved in advance by the unit commander or Watch Commander.

### **318.53 POLICE SERVICE DOGS IN PUBLIC AREAS**

All police service dogs shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the police service dogs are trained.

- (a) Police service dogs shall not be left unattended in any area to which the public may have access.
- (b) When the police service dog unit is left unattended all windows and doors shall be secured.

### **318.54 HANDLER COMPENSATION**

The police service dog 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 employees Memorandum of Understanding.

## 318.6 MEDICAL CARE OF THE POLICE SERVICE DOG

All medical attention shall be rendered by the designated police service dog veterinarian, except during an emergency as provided in Policy Manual § 318.62.

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## **318.61 NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be coordinated through the Unit Commander.

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

All records of medical treatment shall be maintained in the police service dog handler's report.

## **318.62 EMERGENCY MEDICAL CARE**

The designated emergency medical treatment center or police service dog veterinarian shall render emergency medical treatment. The handler shall notify the Unit Commander as soon as practicable when emergency medical care is required.

## **318.7 TRAINING**

Before assignment in the field, each police service dog team shall be trained and certified to meet current POST standards.

## **318.71 CONTINUED TRAINING**

Each police service dog team shall thereafter be re-certified to POST police service dog standards on an annual basis. Additional training considerations are as follows:

- (a) Police service dog teams shall receive training as defined in current contract with the Department's Police Service Dog training provider;
- (b) Police service dog handlers are encouraged to engage in additional training with approval of the unit commander;
- (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 Santa Cruz Police Department;
- (d) All police service dog training shall be conducted while on-duty unless otherwise approved by the unit commander or Watch Commander.

## **318.72 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING**

No police service dog team failing POST police service dog certification shall be deployed in the field until certification is achieved. When practical, pending successful certification, the police service dog handler shall be temporarily reassigned to regular patrol duties.

## **318.73 TRAINING RECORDS**

All police service dog training records shall be maintained in the police service dog handler's training file.

## **318.8 POLICE SERVICE DOG UNIT COMMANDER RESPONSIBILITIES**

The Unit commander shall be appointed by staff, and shall supervise the police service dog Program. The Unit commander is directly responsible to the Deputy Chief of Operations. The Unit commander shall be responsible for, but not limited to, the following:

- (a) Maintain liaison with the vendor kennel;
- (b) Maintain liaison with Administrative Staff and functional supervisors(s);

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- (c) Maintain liaison with other agency police service dog coordinators;
- (d) Maintain accurate records to document police service dog activities;
- (e) Recommend and oversee the procurement of needed equipment and services for the unit;
- (f) Be responsible for scheduling all police service dog related activities; and
- (g) Ensure the police service dog teams are scheduled for continuous training to maximize the capabilities of the teams.

## Domestic Violence

### 320.1 PURPOSE AND SCOPE

Domestic violence is alleged criminal conduct and it is the policy of the Santa Cruz 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 primary aggressor in any incident. The primary aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the primary 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, and;
- (d) Whether either person acted in self-defense.

### 320.11 DEFINITIONS

The Santa Cruz 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 per 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 cohabitating 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;

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- The length of the relationship.

Note: 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** - means any law enforcement officer employed by a local police department or sheriff’s department, consistent with Penal Code § 830.1.

**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; or
- (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.

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## **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:
  - (b) A current or former spouse;
  - (c) A current or former cohabitant (Family Code § 6209 definition);
  - (d) A fiancé or fiancée;
  - (e) A person with whom the suspect currently is having or has previously had an engagement or dating relationship;
  - (f) A person with whom the suspect has parented a child;
  - (g) A child of the suspect or a child of one of the above listed categories, or
  - (h) Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.
- 1. Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):
  - (a) “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.”
  - (b) “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**

Penal Code § 853.6 specifies that a field release may not be used unless the officer determines that there is not a reasonable likelihood the offense would continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested.

Any **one** 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.

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## **320.34 PRIVATE PERSON'S ARREST**

Officers will advise the victim of their 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; or
- (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, cohabitating, formerly cohabitated or have had a child together.

The court orders under Penal Code § 13701(b) may be captioned as follows:

- D.V. Protective Order;
- Criminal Court Protective Order;
- Emergency Protective Order;
- Order to Show Cause and Temporary Restraining Order ("TRO");
- Order After Hearing;
- Restraining Order – Juvenile; or
- Judgment of Dissolution and Order

NOTE: 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.
  3. The officer will stand by until the suspect removes essential belongings.

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4. If the suspect does not leave upon request, an arrest should be made under Penal Code § 602.5;
5. 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;
6. 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 Section to maintain these records.

### **320.41 VERIFICATION OF RESTRAINING ORDERS**

Whenever a complainant advises of the existence of a restraining order, the officer should determine:

- (a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in their possession;
- (b) Whether a restraining order is still valid as to duration/time;
- (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;
- (e) 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 either Penal Code §§ 273.6 or 166(4). An arrest should be made for this violation 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 **one** of the following conditions are met:

- (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;



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- (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 should:

- (a) Inform the suspect of the terms of the order;
- (b) Admonish the suspect of the order, that the suspect is now on notice and that the violation of the order will result in arrest. If the suspect continues to violate the order after being advised of the terms, an arrest should be made;
- (c) If the suspect complies after admonishment of the terms, the officer shall complete a report pursuant to Penal Code § 13730(c) showing the suspect was advised of the terms of the order, the specific terms of the order the suspect was advised about, the name of the officer, and the date and time. The Department's copy of the restraining order will be updated to reflect the information listed above.

## **320.44 WHEN ORDERS ARE NOT VERIFIABLE**

When a victim is not in possession of the restraining order, and/or in case of computer error or due to other reasons, officers may not be able to confirm the order's validity, officers shall take the following action:

- (a) Write a report, give the police report number to the victim, and explain how the victim can contact the appropriate detective or investigation unit for further action. (Penal Code § 13730(c));
- (b) Inform the victim of the right to make a private person's arrest for the appropriate violation;
- (c) In domestic violence cases where the suspect has left the scene, an investigation shall be conducted to determine if a crime has been committed. Penal Code §§ 13730(c) and 13701(c) require that under these circumstances a written report be completed and that the victim be informed of the case number and the follow-up criminal procedure.

## **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 an Emergency Protective Order(s) (EPO's), based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an EPO 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.

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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.
  - (c) 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).
  - (d) 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.
  - (e) 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.
  - (f) 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 their peace;
    2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence; or
    3. Continuing a specified behavior as described in the order.
  - (g) 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.
  - (h) It is the policy of the Santa Cruz Police Department to request an EPO if any of the following conditions exist:
    1. The victim requests an EPO; or
    2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim; or
    3. The investigating officer or victim feels that the suspect may be able to make bail and the potential for further violence exists.

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## **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 as well as the potential application 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. 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 investigation section, in the event they become visible. An investigator may be assigned to ensure that 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;
- (f) When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE). 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 Santa Cruz County Jail. The contact phone number for VINE is printed on the Santa Cruz Police Department Community Resource card.

## **320.61 WRITTEN NOTICE TO VICTIMS**

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

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- (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 debit 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 §§ 261, 261.5, 262, 286, 288a, or 289, a "Community Resource Card" which shall include, but is not limited to, the following information:
  - 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.

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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.

## **320.62 DOMESTIC VIOLENCE SUPPORT**

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

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

## **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 Manager 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.

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.

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## **320.81 RETURN OF FIREARMS**

- (a) If 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 within five days after the seizure. (Penal Code § 12028.5(b)).
- (b) If, however, any officer has any 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 DOJ 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)

## **320.9 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:

- A valid search warrant; or
- Exigent circumstances; or
- Valid consent.

### 322.21 SEARCH PROTOCOL

- (a) Members of the Department will conduct person searches with dignity and courtesy.
- (b) Members of the 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 the 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) A search may be undertaken of a member of the opposite sex when an officer of the like sex is not readily available. 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.
  3. The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

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## 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 their home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public 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; and
- (b) There is probable cause to believe that the item is linked to criminal activity; and
- (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 shall 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. However, consent is only valid if both of the following criteria are met:

- Voluntary (i.e. clear, specific and unequivocal); and
- Obtained from a person with authority to give the consent.

Whenever unusual circumstances would not otherwise prevent the use of the Department's "CONSENT TO SEARCH" form, officers should have the individual read the form, ensure they understand it, and provide them with a copy after they have signed it.



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If unusual circumstances prevent the use of the "CONSENT TO SEARCH" form, officers should describe such circumstances in related report(s).

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

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

At any point that an individual withdraws consent, any related search should be discontinued unless and until otherwise legally permitted.

## Temporary Custody of Juveniles

### 324.1 PURPOSE AND SCOPE

This Departmental Policy is for the detention and disposition of juveniles taken into temporary custody by members of the Santa Cruz Police Department.

### 324.2 WELFARE & INSTITUTIONS CODE 625

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 rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended.

### 324.3 TEMPORARY CUSTODY (300, 601, OR 602 WIC)

No juvenile may be held in temporary custody at the Santa Cruz Police facility without authorization of the arresting officer's supervisor or the Watch Commander. An individual taken into custody for Welfare & Institutions Code § 300 or § 601 shall be processed as soon as practical. Juveniles detained under Welfare & Institutions Code § 602 may not be held at this facility for more than 6 hours from the time of arrival at the 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 custody at the Police Department, complete the Juvenile Detention Log located in the Watch Commander's office;
- (b) 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 & Institutions Code § 627);

Status offenders and abused or neglected children (juveniles falling within provisions of Welfare & 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 as directed by a supervisor;
- (c) Access to drinking water;

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- (d) Privacy during visits with family, guardian, or lawyer;
- (e) Provide the juvenile an opportunity to make at least two telephone calls within one hour of being taken into temporary custody. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney.

## **324.32 NON-CONTACT REQUIREMENTS (208 WIC, TITLE 15 CCR §§ 1544, 1546)**

There shall be no contact between minors held in temporary custody and adult prisoners who are detained, except as provided below. Contact between juveniles in temporary custody 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 is present with the juvenile in the same room or area, a Santa Cruz Police Department employee 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. Movement of persons in custody within the Santa Cruz Police Department

## 324.4 TYPES OF CUSTODY

The following provisions apply to types of custody, and detentions of juveniles brought to the Santa Cruz 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 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 of juveniles using audio, video or other electronic devices does not replace constant personal visual supervision.

## 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 interview of a juvenile student on campus, the officer should:

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1. Take all 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 should be documented.
  2. If efforts to contact a parent, guardian or responsible adult are unsuccessful, an 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 or other responsible adult should be permitted to be present during any interview or provide oral consent for the interview to proceed in their absence. A student may select a responsible school official in the absence of a parent or guardian.
    - (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) Whenever circumstances warrant the temporary detention or interview of a juvenile student on a secondary school campus, the officer should:
1. Take all 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 should be documented.
  2. If efforts to contact a parent, guardian or responsible adult are unsuccessful, an 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.

## 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 procedure in the Policy Manual. Such releases are authorized by Welfare & Institutions Code § 827.

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## **324.62 RELEASE OF INFORMATION TO OTHER AGENCIES**

Welfare & Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate Investigation supervisors to ensure that personnel of those bureaus act within legal guidelines.

## 324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

### **324.71 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.

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.

### **324.72 DEATH OF A JUVENILE WHILE DETAINED**

Refer to the Santa Cruz County Critical Incident Protocol as outlined in §310.

### **324.73 CURFEW VIOLATIONS**

Juveniles detained for curfew violations will be charged with Santa Cruz Municipal Code §§ 9.04.010 thru 9.04.040 as appropriate. The juvenile(s) may be released in the field to their parent, legal guardian or responsible adult or brought to the station and released to a parent, legal guardian or responsible adult.

## 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 booking at Juvenile Hall.

## 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 Santa Cruz 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 & 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 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 or pain or mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

**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;

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- (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 & Institutions Code § 15630, the Santa Cruz 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 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 SECTION RESPONSIBILITY

The Records Section 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) Provide a copy to Adult Protective Services and retain the original 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 affect 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

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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.

### **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. Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810. The following information should be provided in addition to the general information provided on the crime 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.

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 Santa Cruz 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 § 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 or,
  2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee or,
  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.

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- (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 city or departmental rules or regulations, or 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 city's Equal Employment 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 § 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;

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- (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.

### **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 § 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 or the City Manager/Human Resources Director.

### **328.53 DISPOSITION OF COMPLAINTS**

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

- (a) 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.

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- (b) 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.
- (c) 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.
- (d) 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 party 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).

Should it be determined that the reporting party 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 (5) years.

## 328.8 GRIEVANCE PROCEDURE

Disputes arising out of the interpretation and enforcement of this policy and procedure shall be resolved through the established Santa Cruz Grievance Procedure.

## **328.81 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT**

Employees having questions are encouraged to contact a supervisor, manager, the Chief of Police or the City Manager/Human Resources Director, 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 minors. 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,

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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.

## **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 an incident report. No suspected child abuse report is required if the incident is documented in an incident 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 & Institutions Code § 300 et. seq., a child may be taken into protective custody if they are 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 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**—A person under eighteen years of age (for purposes of this section).

### 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 sixteen years of age, the Investigation Section will begin an investigation after an initial search by patrol personnel.

On weekdays after hours and weekends, the appropriate Investigation Section supervisor shall be notified.

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## **332.21 INVESTIGATION DILIGENCE**

Santa Cruz officers 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:

- (a) Make an assessment of reasonable steps to be taken to locate the person;
- (b) If the missing person is under sixteen 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 this Department may assist in the investigation on a person who was last seen in the City of Santa Cruz.

## **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 Santa Cruz Police Department takes a missing person report on a person who lives outside the City of Santa Cruz, the Records Section 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 at risk or under sixteen years of age, Records Section personnel shall send a Teletype to the Department of Justice and the National Crime Information Center within four hours after accepting the report. To assist the Department of Justice, the teletype must note the case involves a person at risk or under sixteen years of age.

## **332.33 AT RISK REQUIREMENTS**

If a missing person is under eighteen years of age and at risk or under twelve years of age and missing for more than fourteen 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 forty-five 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



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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 at risk or under sixteen years of age is located, the detective must ensure that a teletype is sent within twenty-four hours to the Department of Justice noting that information.

When all other missing persons are located, the detective (if 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 Section personnel shall be responsible for sending the teletype.

## 332.5 REFERENCE CHART

	ENTRY INTO MUPS/ NCIC	BOLO TELETYPE	CORONER CHECK	DOJ FORM (SS 8567)	SEND DENTAL X-RAYS	SEND PHOTO	SCHOOL NOTICE
CHILD "AT RISK"	Immediately	Without delay	Within 24 hours	Within 24 hours to DOJ	Within 24 hours to DOJ	Within 24 hours to DOJ	Within 10 days, written notice & photo
CHILD NOT "AT RISK" (16 and over)	Within 4 hours	DOJ Suggests	After 45 days immediately check	After 45 days	After 45 days	If available, send after 45 days	Within 10 days, written notice & photo
CHILD NOT "AT RISK" (under 16)	Immediately	Without delay	After 14 days immediately check	After 14 days, within 24 hours	After 14 days, within 24 hours	After 14 days, within 24 hours	Within 10 days, written notice & photo
ADULT "AT RISK"	Within 4 hours	Without delay	After 45 days immediately check	Mandated after 45 days, but DOJ wants form ASAP	After 45 days	Not Mandated	N/A
ADULT NOT "AT RISK"	Within 45 days	DOJ Suggests	After 45 days immediately check	After 45 days	After 45 days	Not Mandated	N/A

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## 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.

## AMBER Alerts

### 334.1 PURPOSE AND SCOPE

An 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 C.A.R.E. 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 AUTHORITY

The Monterey, Santa Cruz, and San Benito County Chief's and Sheriff's Associations, 9-1-1 Centers and Offices of Emergency Services approved this procedure on March 13, 2003.

#### 334.12 DEFINITIONS

**Senior Management Personnel** – At the discretion of the Venue agency for approval but should be above the patrol watch commander.

**Venue Agency**-The law enforcement agency within whose geographic jurisdiction the child abduction occurs.

**CHP Internet Sites**-CHP can continually post updated information and photographs. Their media Web page is [HTTP://CAD.CHP.CA.GOV/](http://CAD.CHP.CA.GOV/) and public website is [www.chp.ca.gov](http://www.chp.ca.gov)

**Emergency Alert Broadcast System (EAS)**-Can be enacted by the CHP or by the Office of Emergency Services and sends the signal to interrupt regular broadcasting on radio and television.

**Emergency Digital Information Service (EDIS)**-The direct computer link to media outlets and other law enforcement agencies. A website is also available to view all posted messages at [www.EDIS.ca.gov](http://www.EDIS.ca.gov).

**Emergency Notification and Tactical Alert Center (ENTAC)**-The state center responsible for providing coordination for the entire state regarding child abductions. They can be reached by email at [erchp@chp.ca.gov](mailto:erchp@chp.ca.gov) if you need them to make the TRAK flyer for you.

**Technology to Recover Abducted kids (TRAK)**-TRAK is an image-based system linking state, county and local law enforcement agencies.

**LP-1**-Radio stations which receives the initial EAS broadcast and then is responsible to forward the message to all other radio and television stations. The LP-2 is the back up station for the LP-1.

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**Changeable Message Signs (CMS)**-Electronic messages set up on freeways that display necessary information Operated and controlled by the California Department of Transportation (Caltrans).

## 334.2 CHILD ABDUCTION CRITERIA

An AMBER Alert should only be implemented in the following cases:

- (a) A confirmed non-parental abduction of a child 17 years of age or younger, or any person suffering from a mental or physical handicap; or
- (b) The child victim of a parental abduction faces the threat of injury or death; and
- (c) Law Enforcement has credible information the child is in eminent danger of serious bodily harm or death;
- (d) There must be enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help.
- (e) **AN AMBER ALERT SHALL ONLY BE IMPLEMENTED BY A LAW ENFORCEMENT AGENCY WITH THE APPROVAL OF SENIOR MANAGEMENT PERSONNEL.**

## 334.3 ALERT RESPONSIBILITY

- (a) Patrol Officer will gather and assess pertinent information at the scene of a reported child abduction.
  - 1. If the above information is in agreement with the needed criteria, the patrol officer will notify their Watch Commander.
  - 2. Start to complete the information requested in the flow chart and notify the appropriate Department manager for approval of AMBER Alert implementation.
  - 3. Complete the CHP broadcast form.
- (b) Santa Cruz County LE agencies will initiate Project ROPE.
- (c) State Parks will contact the law enforcement agency that has jurisdiction for the park of occurrence.
- (d) The patrol officer will then contact their respective 9-1-1 center and provide all information on the CHP broadcast form.
- (e) Carmel P.D. will contact Monterey County 9-1-1 at 755-5100;
- (f) Scotts Valley and UCSC PD's will contact Santa Cruz County 9-1-1 via their ring down lines; and
- (g) The venue agency will provide a phone number (with at least the capability to roll overs to three different lines) for the public to call with information.
  - 1. The venue agency will provide a Press Information Officer (PIO) with a dedicated phone number to field press calls.

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- (h) The 9-1-1 center will Notify the CHP via their dispatch center to initiate an Emergency Alert Systems (EAS) broadcast for assistance with all other state requirements:
- Santa Cruz County Agencies, 455-4855  
Monterey County Agencies, 455-4856  
San Benito County Agencies, 455-4854.
- (i) The Patrol Officer, or designee, will respond to the office to make a TRAK flyer. That flyer will be sent to The Monterey Bay Amber Distribution List (This includes all area LE, Media, CHP, 9-1-1 centers and OES offices via their TRAK and FAX numbers. (Amber media distribution list is attached.) Sample flyer is attached. When requesting posting on the CHP website, you should send the photo as a jpeg file to [erchp@chp.ca.gov](mailto:erchp@chp.ca.gov)
- (j) As soon as possible the venue agency will send a detective or equivalent to their 9-1-1 center to assist with incoming calls and make decisions regarding those calls.
1. The venue agency will follow this case as they would per their established major case protocol.
- (k) Once the child is located all notifications will be made again in the same order as in the initial contacts. The EAS message will not be sent upon location of a child.

## **334.31 ADDITIONAL AVAILABLE RESOURCES:**

National Center for Missing and Exploited Children	(800) 843-5678
FBI Office/Watsonville	(831) 722-8720
Coast Guard/Monterey	(831) 647-7303
San Ysidro INS POE	(619) 662-7240
US Border Patrol-San Diego Station	(619) 662-7321
San Jose Airport Police	(408) 277-8919
Monterey Airport Police	(831) 648-7006
International Family Abductions	(916) 227-3244
International Abductions-San Diego	(858) 268-5400
Vanished Children's Alliance	(408) 296-1113
The Polly Klaas Foundation	(707) 769-1334
Royal Canadian Mounted Police	(613) 993-1525

## **334.32 9-1-1 EMERGENCY COMMUNICATIONS CENTER RESPONSIBILITIES**

- (a) Receive the alert information from the patrol officer and ensure that proper approval has been obtained.
- (b) Prepare the CLETS message to be sent to 4500 (All State Law Enforcement including Nevada and Oregon State Patrols, OES and California Media.).
1. To activate EAS call CHP dispatch:
- Santa Cruz County 455-4855;  
Monterey County 455-4856;

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San Benito County 455-4854.

- (c) CHP, upon EAS activation will contact the LP-1 KTOM Radio by phone, 759-2781 to confirm receipt. If no answer the LP-2 KPIG Radio will be contacted at 722-2299. CHP will then also contact the Spanish LP-1 KLOK at 771-9950/(408) 602-3262.
- (d) Receive any incoming public calls and transfer to the venue agency and/or dispatch the immediate Law Enforcement agency based on specific information received.
- (e) Provide a work station for the officer sent to assist with incoming calls.
- (f) Immediately upon notification that the child has been found, cancel the Aler using the same procedure as to initiate with the exception of the initial EAS message.

## 334.4 MEDIA RESPONSIBILITIES

### 334.41 RADIO

- (a) Upon receipt, the LP-1/LP-2 Radio stations will interrupt current broadcasting with the verbal message per the agreed format.
- (b) A rebroadcast will then be made every 20 minutes for the first three hours.
- (c) From 3 to 24 hours a broadcast will be made at each regular news spot.
- (d) After 24 hours at the discretion of the station until the child is located.
- (e) Upon location of the child, broadcast to be made at the discretion of the station.
- (f) Make follow up inquiries using the number provided for the PIO.

### 334.42 TELEVISION

- (a) Television will begin an immediate "crawler" at the bottom of the TV screen to disseminate the information for the first 3 hours, with an actual broadcast at the discretion of the station.
- (b) From 3 to 24 hours a broadcast will be made at each regular news broadcast.
- (c) After 24 hours at the discretion of the station until the child is located.
- (d) Upon location of the child, broadcast to be made at the discretion of the station.
- (e) Make follow up inquiries using the number provided for the PIO.

### 334.43 NEWSPAPER

- (a) Upon receipt of an Amber Alert flyer, call the venue agency using only the number provided for the PIO.
- (b) Complete and publish story at the discretion of the individual agency.

## 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 § 13960 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; or
- (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 knowingly and willingly participated.

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## 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 the case number for the specific crime report.

### **336.31 REPORTING OFFICER RESPONSIBILITY**

It shall be the primary responsibility of the reporting officer to make the required advisement 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 victim's or dependents' grief and suffering. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

### **336.32 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. Here again, the investigating officer shall use discretion and tact in making such advisement.

### **336.33 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 Investigation supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

## 336.4 VICTIM WITNESS ASSISTANCE PROGRAM

The Victim Advocate 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. Departmental policy § 810, regarding release of reports, shall be followed in all cases.



## Hate Crimes

### 338.1 PURPOSE AND SCOPE

The Santa Cruz Police Department recognizes 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 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** – consist of any act of intimidation, harassment, physical force or threat of physical force directed against any person, group, family, community organization or property motivated in whole or in part by hostility toward real or perceived race, ethnic background, national origin, religious belief, gender, age, disability, sexual orientation or political affiliation with the intent of causing fear, injury, intimidation or to deter the free exercise and enjoyment of any right secured by the Constitution or the law.

### 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 race, color, religion, ancestry, national origin, disability, gender or sexual orientation. (NOTE: 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 § 422.6(a)

Penal Code § 422.7 - provides for other criminal offenses involving threats, violence or property damage in excess of \$500.00 to become felonies if committed for any of the purposes set forth in § 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 § 51.7, including damages, TRO and injunctive relief.

Civil Code § 52.1 – provides for TRO and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code § 422.9.

## 338.5 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 shall be notified of the circumstances as soon as practical and the Supervisor shall notify the Watch Commander and the Investigations Commander immediately;
- (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;
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation;

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- (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 insure that any such situation does not escalate further (e.g. Possible TRO through the District Attorney or City Attorney. Penal Code § 136.2 or Civil Code § 52.1 as indicated).

## **338.51 INVESTIGATION RESPONSIBILITY**

If a case is assigned to the Investigation Section, 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.

## 338.6 TRAINING

All members of this Department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.

## Standards of Conduct and Discipline

### 339.1 POLICY

It is the policy of this Department that its members are highly visible representatives of government and are entrusted with the responsibility of ensuring the safety and well being of the community as well as the delivery of police services. Since the functions of a police department have a major impact upon the community, standards of conduct for police personnel are higher than standards applied to the general public. In this regard, department members will conduct themselves in a manner which does not bring discredit upon individuals, the Department, the City, the community or the profession. A procedure is established for violation of Law and Departmental Policy. (Reference: **Code of Professional Conduct and Responsibility for Peace Officers**, see attachment A.)

### 339.2 PROCEDURE STANDARDS OF CONDUCT

#### **339.21 GENERAL RESPONSIBILITIES**

All members of the Department, sworn and civilian, will become thoroughly familiar with these rules and regulations and will abide by them. They will observe and obey all:

- (a) Federal, state, and local laws;
- (b) General Orders of the Department and of the division to which they are assigned;
- (c) Training Bulletins and procedural documents;
- (d) Code of Professional Conduct and Responsibility for Peace Officers;
- (e) City of Santa Cruz Personnel Rules and Regulations and Administrative Procedure Orders;
- (f) Other lawful orders of their superiors.

Upon observing or otherwise becoming aware of a violation of rules, procedures, or policies, each department member is obligated to report such violation to a superior officer (supervisor or manager).

#### **339.22 ENFORCEMENT OF ALL LAWS**

Employees are responsible for taking prompt and proper police action relative to violations of all laws observed by them or coming to their attention.

#### **339.23 CONDUCT UNBECOMING**

A members conduct either on or off-duty, which could adversely reflect upon the department, will be deemed to be conduct unbecoming. Each case of misconduct will be examined to determine if the act was such that a reasonable person would find that such conduct was unbecoming a police employee. Actual conduct does not have to be public knowledge, but if known, could have an adverse effect.

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The Chief of Police or an authorized representative will evaluate conduct. This evaluation will include as criteria the nature of the violation. In addition, the following criteria may be considered:

- (a) The member's tenure with the department;
- (b) The severity of the member's past violations;
- (c) The nature and effectiveness of prior corrective action;
- (d) The member's past conduct which was beneficial to the department;
- (e) The member's past conduct which did not result in disciplinary measures.

## **339.24 COORDINATION**

In carrying out the mission of the department, members will coordinate their efforts in a manner that will establish and maintain the highest possible standard of efficiency and conduct.

Department members will cooperate with and assist other members in their departmental work. Any deliberate and unjustified withholding of police information from other members of the department is prohibited.

## **339.25 MEMBERS TO ACCEPT ASSIGNMENTS**

Notwithstanding the assignment of specific duties and responsibilities to members of the department, members will perform all other duties required of them by competent authority, at the time requested.

## **339.26 PROVIDING SERVICES**

Members will be responsible for providing such services as may be assigned to them in pursuit of Department goals and objectives.

## **339.27 OFFICIAL BUSINESS**

Department members will not enter into correspondence with any person concerning their official activities except as provided by departmental orders, nor will they use departmental stationery or forms for any purpose other than the transaction of official business.

## **339.28 SUPPLYING IDENTIFICATION**

Consistent with officer safety and protection of the public, department members, while acting in an official capacity, will supply their name, rank and position, and similar identifying information in a professional manner to any person who may inquire. All employees are issued business cards. The furnishing of this card is encouraged and shall satisfy the identification requirement.

## **339.29 INDIVIDUAL RESPONSIBILITIES**

- (a) **Civil Cases and Processes:** When representing the Department, members will not serve civil processes nor will they render assistance in civil court cases, except when the City of Santa Cruz is party or they have been subpoenaed in the proper manner. They will, however, prevent breaches of the peace and quell disturbances growing out of such matters and advise the parties concerning why police action may not be possible.

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- (b) **Consumption of Alcohol:** No member of the Department will consume any intoxicating beverage while on any property occupied or administered by the Police Department without the express permission of the Chief of Police.
- (c) **Influence of Intoxicants:** No employee will report for work, or begin work, while under the influence of intoxicants.
- (d) **Ingesting Intoxicants:** No employee, except by management authorization for investigative purposes, shall ingest intoxicants while on duty.
- (e) **Consuming Beverages:** No employees in uniform shall consume any beverage, including soft drinks, in a bar, tavern, cocktail lounge, or other premises at which the impression might be given that the employee was ingesting intoxicants.
- (f) **Illegal use of Drugs:** Is prohibited.
- (g) **Incapacity to Perform Duties:** Department members while on duty who are unable to perform their duties due to illness, exhaustion or any other impairment will report this fact to a superior officer who will then determine the proper disposition.
- (h) **Recommending Services:** When acting in an official capacity, members of the department will not recommend or suggest the employment or purchase of any specific professional or commercial service or product. This rule does not affect a member's duty to inform people in need of the availability of municipal, county, state or federal services.
- (i) **Private use of Department Address:** Members and employees will not use the Department as a mailing address for private purposes.
- (j) **Conduct During Display of National Colors:** Saluting the national colors by an organized civil or military body is an almost universal custom. Courtesy to the national colors will be displayed by police officers at retreat ceremonies, the playing of the National Anthem and parades.
- (k) **Duty to Obey Lawful Orders:** Department members will obey lawful orders from a superior officer.
- (l) **Conflicting Orders:** If a subordinate receives instructions from a senior member conflicting with the instructions received from proper or higher authority, the subordinate will inform the senior member of the conflict. If the senior member still desires that the order be carried out, the subordinate will do so and the senior member will review the order with the subordinate's supervisor.
- (m) **Criticism of Orders:** No member of the Department will publicly criticize, disparage or ridicule written or oral orders or instructions issued by a senior officer.
- (n) **Improper or Questionable Orders:** Department members receiving orders which they believe to be improper, in violation of the law or in violation of this manual, will express their concern to the senior member directly issuing the order. When the senior member directly issuing the order indicates that the order is to be complied with, the subordinate will adhere to one of the following appropriate procedures:
  - 1. **Orders Requiring Immediate Compliance:** Orders which pertain to situations that require immediate compliance will be carried out as directed. Once such orders are complied with, the member receiving the order may then appeal, in writing through the chain of command, to the Chief of Police.

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2. **Orders Requiring Future Compliance:** Orders which pertain to situations that do not require immediate compliance may be appealed prior to execution as long as such appeal does not frustrate or impede the operations that the order was intended to implement. The appeal will be in person or in writing through the chain of command to the Chief of Police
- (o) **Confidentiality:** Members will adhere to the following procedures pertaining to the confidentiality of official business of the Department.
1. **Identities:** The identity of complainants, suspects, defendants, or friends or family of such persons must be protected. Their identities should be released to persons outside the Department only when allowed by law and departmental policy. The needless or careless making known of the identities of such persons is considered a breach of police responsibility and neglect of duty.
  2. **Information of Operations:** Members will not release to anyone information which may delay an arrest, aid a person to escape, destroy evidence, or remove stolen or embezzled goods, or which may in any other way hinder effective performance of police responsibilities.
  3. **Official Statements and Appearances:** Members are not to make any public statements relating to departmental business without the consent of the Chief of Police.
  4. **Private Use of Department Information:** Members are prohibited from using confidential or official information to advance the financial or other private interest of themselves or others.
- (p) **Reporting for Duty:** Members of the Department will be punctual in reporting for duty at the time and place designated by their superior officer. Members will report for duty in the regular uniform of the day, and apparel and equipment will be in a presentable condition.
1. **Late for Duty:** Members of the Department who report for duty at a later time than is required by their commanding officers may be subject to dismissal from duty for that watch or tour of duty. Immediate supervisors may allow tardy subordinates to assume their duties when notified by members that lateness will occur, however, repeated failures to report promptly may be deemed neglect of duty and made the subject of department discipline.
  2. **Absence Without Proper Leave:** Members will not be absent from duty without proper permission to leave, except when unable to report for duty at the assigned time due to sickness or injury. Employees shall notify the on-duty supervisor at least two hours in advance (if possible), if they are not going to be present for duty.
- (q) **Personal Activities on Duty:** Members of the Department will not devote any of their on-duty time to any activity which does not relate to a police function. They will not perform any police duty for the purpose of private gain nor will they make any private purchases when in uniform unless for personal maintenance or sustenance, or as authorized by competent authority. For non-uniformed personnel who take a non-paid lunch period, personal activities are permitted that are not in conflict with other policies and procedures.

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- (r) **Gratuities and Bribes:** Members will not receive any rewards for services rendered in the line of duty.
  - 1. Members will not accept a bribe or engage in any act of extortion or other unlawful means of obtaining money or property through their position with the Department.
  - 2. Members will not accept, directly or indirectly, a fee, loan, reward or gift of any kind from any person in custody, discharged from custody, liable to arrest or complaint or from any friend or relative of such person.
  - 3. Members, individually or collectively, will not solicit any reward from the performance of duties or seek or ask for a gratuity of any kind.
  - 4. Members will not use their positions to seek nor will they accept favors or gratuities which would not ordinarily be accorded private persons.
  - 5. Members are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner or other person involved in any case which has come to the member's attention or which arose out of the member's departmental employment except as may be specifically authorized by the Chief of Police.
- (s) **Misuse of Authority:** A department member will not engage in any act which could reasonably be construed to constitute misuse of authority. They will not use their position in the department to obtain any money, property or favors except as required by law or departmental procedures.
- (t) **Solicitations:** A department member will not solicit, collect, or receive money or other things of value for charitable or testimonial purposes except as approved by the Chief of Police.
- (u) **Misuses of Property;** Members will handle property in the manner directed by the Duty Manual. Under no circumstances will members appropriate property of the department, property of another department member, or any other property for their own use.
- (v) **Political Campaigning:** On-duty members will not engage in activities related to political campaigning. Improper activities include, but are not limited to, engaging in campaign speeches, distribution of pamphlets, posting of campaign ads, willfully being photographed in uniform (on or off-duty) with political candidates.
  - 1. Nothing in this policy precludes officers from working off-duty, out of uniform, in a non-law enforcement capacity in support of or in opposition to any political campaign. Additionally, it does not preclude candidates from approaching employee groups for purposes of endorsement or, in fact, employee organizations endorsing specific candidates, propositions, or measures.
- (w) **Strikes:** Members shall not initiate, authorize or participate in any strike.
- (x) **Meals/Coffee Breaks:** Sworn employees may suspend their police duty for a meal or coffee break depending on calls for service and subject to modification by their supervisor. Break periods are included in employees' working day and are subject to recall depending on departmental priorities and the demands of public safety.



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1. Time Limitations: Meal breaks—approximately 30 minutes; coffee breaks—approximately 15 minutes. Neither a meal break nor a coffee break may be had during the first hour or the last hour of an officer's assigned shift without **specific** authorization of the employee's supervisor.
  2. The acceptance of discount meals or free coffee, etc. is not allowed.
  3. No more than two marked police vehicles parked at any one restaurant, coffee shop, etc. at one time without management approval.
  4. No more than a total of three (3) uniformed (sworn/CSO's) members may be at any one restaurant at one time, without management approval.
  5. All officers working in uniform available for routine dispatch shall radio out for all coffee, meal breaks, etc. The use of portable radios does not alleviate this responsibility.
- (y) **Training:** Members shall attend in-service training at the direction of their commanding officer. Such attendance is considered a duty assignment.
- (z) **Smoking/use of Tobacco Products on Duty:** Uniformed members shall not smoke or use tobacco products while on-duty while in direct contact with the public. Smoking or use of tobacco products is prohibited inside all city-owned or leased buildings and vehicles.
- (aa) **Social Conduct on Duty:** While on duty, department members will not:
1. Encourage, suggest, offer or accept sexual favors.
  2. Encourage, suggest, offer or provide leniency in enforcement in return for sexual or social encounters.
  3. Encourage, suggest, offer, or perform any services in the line of duty in return for sexual or social encounters.
  4. Engage in sexual activity.
  5. Associate unnecessarily with victims where an improper relationship could be perceived.
  6. Under color of authority, or otherwise, engage in any form of sexual harassment.
- (bb) **Unnecessary Force:** The improper use of firearms or of aerosol spray devices such as OC (oleoresin capsicum)/pepper spray, or the unnecessary use of physical force, constitutes gross misconduct. (For details of the law and department procedures and policies relative to the use of force, refer to §300 of this Manual).
- (cc) **Maintenance of Department Property:** Members and employees are responsible for the proper care of department property and equipment. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.
- (dd) **Reporting Damage:** Accidents involving City personnel and/or equipment must be reported in accordance with procedures in this manual and the applicable City of Santa Cruz Administrative Procedure Order.

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- (ee) **Consumption of Intoxicants:** Off-duty members will not consume intoxicants in a public place to the extent that they are unable to care for themselves and/or become discourteous when such conduct reflects adversely upon the Department.
- (ff) **Gambling:** No games of chance for stakes or wages or other gambling will take place at the police building or any other police or City-owned facility.
- (gg) **Off Duty Enforcement Action:** Prior to taking enforcement action, off-duty officers will first give consideration to causing the appropriate action to be effected by on-duty personnel from the law enforcement agency in which the activity occurs. Additionally, the Department recognizes that off-duty officers cannot rely on the immediate assistance or application of police resources in the same capacity as while on-duty and thus, does not expect officers to jeopardize themselves or others by taking police action while off-duty.
  - 1. **Neighborhood Disputes:** When on or off-duty, department members will avoid becoming officially involved in quarrels or disputes occurring in their own neighborhoods, unless the incident involves an immediate threat to human life. In any event, department members will first give consideration to their capacity to render an appropriate and adequate response before any action is taken.
  - 2. All off-duty arrests shall require notification of the on-duty sergeant.
- (hh) **Chemical Tests:** Department members may be required to submit to a chemical test if they are involved in certain, but not all, enforcement situations. When required by a superior officer, members will submit to a test following the incident. Circumstances which may require chemical tests are as follows:
  - 1. The member injures or kills another person.
  - 2. In-custody death.
  - 3. The member or a superior officer determines that sobriety should be documented.
  - 4. Chemical tests may include, but are not limited to, a test of the blood, breath, or urine.
- (ii) **Carrying Equipment Off-Duty:** When off-duty, officers will carry or have in their immediate possession their issued identification card. Officers may, but are not required to, carry firearms or chemical agent devices when off-duty (at their discretion). Whenever an officer carries a firearm, the department badge must also be carried. When wearing an off-duty firearm, officers will avoid exposing the weapon to public view.
  - 1. **Chemical Agent Devices:** Officers will carry only chemical agent devices issued or approved by the Department.
- (jj) **The Code of Professional Conduct and Responsibility for Peace Officers:** Is hereby made a part of the Duty Manual and all sworn officers, and non-sworn employees where applicable, shall conform to it. It is attached to the General Order for reference. (Attachment A)

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## 339.3 DISCIPLINE

### **339.31 DEPARTMENT RESPONSIBILITY**

The Department has responsibility to its members and the community to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. Discipline has as its immediate purpose the channeling of individual effort into effective and productive action. It may involve encouragement, inspiration, training, or the imposition of negative sanctions. Negative sanctions administered internally may range from a warning, where the immediate effect is on the individual, to termination, where the positive result is the reassurance to other employees of the unacceptable limits of misconduct. Policies, procedures, rules, regulations, and written or oral directives are made known as guidelines to set standards as acceptable and desired objectives. When violations of such directives occur, members of the Department will be subject to disciplinary action.

A well-disciplined Police Department is a Department whose members voluntarily conform to all Department policies, procedures, and rules. It follows that the best disciplined Department is least in need of corrective action. Nevertheless, a violation of the Department's policies, procedures and rules, or of the law, requires disciplinary action.

Discipline may be instruction or counseling which modifies the behavior of an individual, or may be punishment. The use of punishment as a disciplinary technique will be resorted to only when other forms of discipline have failed or the gravity of the violation dictates its use for the good of the Department.

### **339.32 GENERAL CONDUCT SUBJECT TO DISCIPLINARY ACTION**

Any member or employee of the Santa Cruz Police Department whose personal actions reflect, or may reflect if known, against the reputation of the law enforcement profession, the Police Department or the City of Santa Cruz, or who commits an offense punishable under the laws or statutes of the United States, the State, or local ordinances, or violates any provision of the Rules and Regulations of the City of Santa Cruz or of the Department including, but not limited to, General Orders, Training Bulletins/Procedures, memorandums and/or disobeys any lawful order or is incompetent to perform assigned duties is subject to appropriate disciplinary action.

### **339.33 SPECIFIC CONDUCT SUBJECT TO DISCIPLINARY ACTION**

In concert with Civil Service rules, a member of the Department may be made the subject of disciplinary action whenever a member's conduct warrants.

### **339.34 DISCIPLINARY ACTION PERMITTED**

When corrective action is indicated by the finding, one or more of the following actions may be taken by the Chief of Police subject to the provisions of the Charter of the City of Santa Cruz:

- (a) Counseling;
- (b) Training;
- (c) Oral reprimand;
- (d) Written reprimand;
- (e) Suspension;

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- (f) Demotion;
- (g) Dismissal from the Department.

The level of discipline to be imposed will be considered on a case by case basis in accordance with the factors of consideration delineated in this General Order. Nothing set forth herein shall be construed as obligating the Department to adhere to a policy or procedure of progressive discipline.

## **339.35 DEPARTMENT AUTHORITY FOR DISCIPLINARY ACTION**

Departmental disciplinary authority and responsibility rests with the Chief of Police. Supervisory personnel may administer one or more of the following:

- (a) Counseling;
- (b) Training;
- (c) Oral reprimand;
- (d) Written recommendation for other disciplinary action.

In those instances where emergency relief from duty is believed necessary, commanding officers will adhere to the procedures entitled "Non-Disciplinary Emergency Relief from Duty".

## **339.35 EMERGENCY INTERDIVISIONAL DISCIPLINARY ACTION**

When the improper conduct of a member or employee of one unit is of such a nature that immediate or emergency disciplinary action is required of a commanding or supervisory officer of another unit, such action may be taken at once.

When such action is taken, the commanding or supervisory member imposing the discipline will notify superiors in both chains of command immediately. When the conduct is such that the commanding or supervisory member believes that other disciplinary measures are required, such supervisor will submit a memorandum to the member's immediate supervisor detailing the conduct.

## **339.36 INFORMING THE PERSON BEING DISCIPLINED**

The member or employee being disciplined will be informed of the charges and penalties assigned at the time such action is taken. Prior to the imposition of any discipline resulting in a suspension, demotion or dismissal, the employee will be advised of their right to appeal the discipline prior to its imposition at a meeting with the Chief of Police or designee.

## **339.37 APPEAL FROM PENALTIES**

Appeals from penalties imposed as disciplinary measures may be taken as provided in the Charter of the City of Santa Cruz and in accordance with the Civil Service rules and applicable Memorandums of Understanding (MOU's).

## **339.38 USE OF COUNSELING AND TRAINING**

Misconduct investigations which result in a finding of "Exonerated" or "Not-Sustained" will not relieve Department supervisors or commanders from the responsibility of counseling or training subordinate personnel who demonstrate problems of knowledge, judgment or common sense.

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## **339.39 NON-DISCIPLINARY EMERGENCY RELIEF FROM DUTIES**

The following personnel have the authority to impose emergency relief from duty until the next business day against an employee when it appears that such action is in the best interest of the Department:

- (a) Any command officer;
- (b) Any police sergeant.

When a Department employee is relieved from duty pursuant to this procedure, the command officer or sergeant instituting the action will direct the employee to report to such employee's division commander on the next business day at 0900 hours, unless otherwise directed by competent authority.

The command officer or sergeant imposing or recommending the action shall report to the employee's division commander prior to the employee's designated time and have prepared a written report of the details of the incident prompting the relief from duty. The report will include:

- (a) The name, rank and present assignment of the person relieved from duty;
- (b) The date(s) and time(s) of the incident and location(s);
- (c) The section number(s) of this manual violated or common name of the violation;
- (d) A complete statement of the facts of the incident;
- (e) The written signature and rank of the preparing officer and his position in relation to the member or employee involved.

The relieved employee's division commander, or a designee, will evaluate the incident and determine what action is appropriate. Division dispositions may be:

- (a) Counseling;
- (b) Training;
- (c) Written reprimand.

All written reprimands will be forwarded to the Office of the Chief of Police for review. If disciplinary action more severe than a written reprimand is indicated, the division commander will refer the incident to the Office of the Chief of Police for further investigation.

## **ATTACHMENT “A”**

### **Code of Professional Conduct and Responsibility for Peace Officers**

#### **I. PREAMBLE**

WHEREAS, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and

WHEREAS, the need to maintain high standards of moral character, integrity, knowledge and trust requires the establishment of a Code of Professional Conduct and Responsibility for peace officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and

WHEREAS, the establishment of a Code of Professional Conduct and Responsibility for Peace Officers, which includes Canon of Ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare and safety of the public; therefore,

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

#### **II. GENERAL STATEMENT**

Peace officers are granted public trust, which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the peace officer profession must not only conform to a Code of Ethics, but must also abide by these Canons of Ethics and Ethical Standards which constitute this Code of Professional Conduct and Responsibility as a means of internal regulation. The essence of a profession requires that, in addition to prescribing a desired level of performance, it must establish minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this Code of Professional Conduct and Responsibility is established for the peace officer profession.

Nothing in the Code of Professional Conduct and Responsibility for Peace Officers is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers or the consequence of a violation thereof.

Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

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Nothing in this code is intended to limit the authority of an agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this Code of Professional Conduct and Responsibility of Peace Officers.

## III. **CANONS OF ETHICS**

### **CANON ONE**

Peace Officers shall uphold the Constitution of the United States, the State Constitution, and all laws enacted or established pursuant to legally constituted authority.

#### **Standard 1.1**

Peace Officers shall recognize that the primary responsibility of their profession and on and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and the State Constitutions and laws derived therefrom.

#### **Standard 1.2**

Peace Officers shall be aware of the extent and limitations of their authority in the enforcement of the law.

#### **Standard 1.3**

Peace Officers shall diligently study principles and new enactments of the laws they enforce.

#### **Standard 1.4**

Peace Officers shall be responsible for keeping abreast of current case law as applied to their duties.

#### **Standard 1.5**

Peace Officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

#### **Standard 1.6**

Peace Officers shall respect and uphold the dignity, human rights, and constitutional rights of all persons.

### **CANON TWO**

Peace Officers shall be aware of and shall use proper and ethical procedure in discharging their official duties and responsibilities.

#### **Standard 2.1**

Peace Officers shall be aware of their lawful authority to use what force is reasonably necessary in securing compliance with their lawful enforcement duties.

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## **Standard 2.2**

Peace Officers shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature.

## **Standard 2.3**

Peace Officers shall follow legal practices in areas such as interrogation, arrest, detention, searches, seizures, use of informants and collection and preservation of evidence.

## **Standard 2.4**

Peace Officers shall follow the principles of integrity, fairness and impartiality in connection with their duties.

## **CANON THREE**

Peace Officers shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve.

## **Standard 3.1**

Peace Officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

## **Standard 3.2**

Peace Officer, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

## **Standard 3.3**

Peace Officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

## **Standard 3.4**

Peace Officers shall safely and efficiently use equipment and material available to them.

## **Standard 3.5**

Peace Officers shall be prepared to and shall respond effectively to the demands of their office.

## **Standard 3.6**

Peace Officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

## **Standard 3.7**

Peace Officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.

## **Standard 3.8**

Peace Officers shall recognize that their allegiance is first to the people, then to their profession and the government entity or agency that employs them.



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## CANON FOUR

Peace Officers will so conduct their public life that they exemplify the high standards of integrity, trust and morality demanded of a member of the peace officers profession.

### **Standard 4.1**

Peace Officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.

### **Standard 4.2**

Peace Officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances while in uniform.

### **Standard 4.3**

Peace Officers shall not use any narcotics, hallucinogens or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior prior to reporting for duty.

### **Standard 4.4**

Peace Officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officers profession. Officers shall not participate in any incident involving moral turpitude.

### **Standard 4.5**

Peace Officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.

### **Standard 4.6**

Peace Officers shall not engage in illegal political activities.

### **Standard 4.7**

Peace Officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonial or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the officer involved.

### **Standard 4.8**

Peace Officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.

### **Standard 4.9**

Peace Officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

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**Standard 4.10**

Peace Officers shall not be disrespectful, insolent, mutinous or insubordinate in attitude or conduct.

**Standard 4.11**

Peace Officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.

**Standard 4.12**

Peace Officers shall not engage in any strike, work obstruction, or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.

**Standard 4.13**

Peace Officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.

## CANON FIVE

Peace Officers shall recognize that our society holds the freedoms of the individual as a paramount precept which shall not be infringed upon without just, legal and necessary cause.

**Standard 5.1**

Peace Officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.

**Standard 5.2**

Peace Officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.

**Standard 5.3**

Peace Officers shall not use their official position to detain an individual or restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

## CANON SIX

Peace Officers shall assist in maintaining the integrity and competence of the peace officer profession.

**Standard 6.1**

Peace Officers shall recognize that every person in our society is entitled to professional, effective and efficient law enforcement services.

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## **Standard 6.2**

Peace Officers shall perform their duties in such a manner as to discourage double standards.

## **Standard 6.3**

Peace Officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

## **Standard 6.4**

Peace Officers shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.

## **Standard 6.5**

Peace Officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

## **Standard 6.6**

Peace Officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, law and Requirements of the profession.

## **Standard 6.7**

Chief executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their officers.

## **Standard 6.8**

Peace Officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

## **CANON SEVEN**

Peace Officers shall cooperate with other officials and organizations that are using legal and ethical means to achieve the goals and objectives of the peace officer profession.

## **Standard 7.1**

Peace Officers, within legal and agency guidelines, shall share with personnel, both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals and objectives.

## **Standard 7.2**

Peace Officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.

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## **Standard 7.3**

Peace Officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

## **CANON EIGHT**

Peace Officers shall not compromise their integrity, or that of their agency or profession, by accepting, giving or soliciting any gratuity.

## **Standard 8.1**

Peace Officers shall refuse to offer, give or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate police officers from normal social practices, or to preclude gifts among friends, associates, or relatives, where appropriate.

## **Standard 8.2**

Peace Officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

## **CANON NINE**

## **Standard 9.1**

Peace Officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

## **Standard 9.2**

Peace Officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.

## **Standard 9.3**

Peace Officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

## **Standard 9.4**

Peace Officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

## **Standard 9.5**

Peace Officers shall treat as confidential all matters relating to investigations, internal affairs and personnel.

## **IV. INVESTIGATIVE PROVISIONS**

- A. Investigative Procedures:** Peace Officers under investigation for an alleged violation of any of these standards of agency disciplinary rules shall be afforded,

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at minimum, the rights established by law and contract to ensure fair and just treatment in the enforcement of disciplinary rules of conduct or agency rules.

- B. **Exercise of Rights:** By reason of the lawful exercise of rights, officers shall not be discharged, disciplined, demoted, transferred or denied promotion or re-assignment, or discriminated against with regard to employment nor threatened with such action.
- C. **Criminal Investigations:** When the investigation focuses on an officer for prosecution of a criminal offense, the officer shall be afforded the same constitutional rights, privileges or guarantees enjoyed by any person. This section, however, shall not deprive the agency of the right to pursue the investigation administratively.
- D. **Agency Appeal or Review Process:** To ensure due process, officers shall be provided with an internal administrative appeal or review process or procedure. This process shall be in addition to any external appeal process the employing agency may have established for the review of disciplinary cases.

## V. ADMISSIBILITY/CONFIDENTIALITY

- A. **Confidentiality of Investigative Files:** To promote the complete investigation and reporting of complaints against peace officer, the City finds that the need to preserve and protect the work product of any agency outweighs the public interest in full or partial disclosure, discovery or production in any manner of an agency's investigative files pertaining to complaints against officers. Accordingly, administrative files, records, reports or other documentation may be subpoenaed in either criminal or civil proceedings only in accordance with existing law.

## 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 Santa Cruz Police Department/City of Santa Cruz, which are provided for official use by Department 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 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 requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the City's Information Technology 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 Department 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 DEPARTMENT PROPERTY

All information, data, documents and other entries initiated on any of the Department's computers, whether downloaded or transferred from the original Department computer, shall remain the exclusive property of the City of Santa Cruz.

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## 342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software. To reduce the risk of personal computer virus infection, Employees shall not install personal copies of any software onto the Department's computers. If an employee must copy data onto a disk and download it on a non-department computer, the employee shall scan the disk for viruses before reloading the data on a Department computer system.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the Department while on Department premises or on a Department computer system. The Department and its members 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 is not limited to, adult forums, pornography, "chat rooms," and similar or related web sites. Certain exceptions may be permitted with the approval of a Division Commander 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 shall be downloaded.

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

## 342.7 PROTECTION OF DEPARTMENT 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 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 assure 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 crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report;
- (c) In every case where any force is used against any person by police personnel;
- (d) All incidents involving domestic violence;
- (e) All arrests.



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## **344.22 NON-CRIMINAL ACTIVITY**

The following incidents shall be documented using the appropriate approved report:

- (a) Reported missing persons (regardless of jurisdiction);
- (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”);
- (e) It is major/serious, whereas death could result;
- (f) 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.

## **344.23 INJURY OR DAMAGE BY CITY PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a city employee. Additionally, reports shall be taken involving damage to city property or city equipment.

## 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 is not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

## 344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor shall return the report utilizing the RMS procedure. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

## 344.5 COMPLETION OF REPORTS

- (a) **Operations Division:** In custody and death investigation reports shall be completed by the end of shift. With supervisory approval, other reports may be held until the next workday, but in no case will they be held over the officer’s day(s) off.
- (b) **Investigations Division:** Reports shall be completed per the Investigations Commander’s direction.

## 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 and in situations where the Chief has given prior approval, Deputy Chiefs, Watch Commanders and supervisors may prepare and release information to the media in accordance with this policy and the applicable law. Written media releases require Watch Commander approval before release.

#### **346.21 MEDIA REQUEST**

Any media request for information or access to a law enforcement situation shall be referred to the Watch Commander or, if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) 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;
- (b) 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

Pursuant to Penal Code § 409.5(d), 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:

- (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;
- (c) 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.
- (d) No member of this Department shall be subjected to media visits or interviews without the consent of the involved employee. (Government Code § 3303(e))

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- (e) 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 Media Log or daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. The Media 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 custodian of records or, if unavailable, to the on-duty 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. Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012);

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2. Criminal history information;
3. Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;
4. Information pertaining to pending litigation involving this Department;
5. Information obtained in confidence;
6. 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 assure that officers appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

### 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 insure 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 one 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 received 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 Records Supervisor or his/her designee 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 Records Supervisor. The Subpoena Clerk shall maintain a chronological log of all Department subpoenas and provide a subpoena notice 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 timely service of the subpoena.

#### **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

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received by the individually named employee from the Records Supervisor and a valid reason exists for refusing the subpoena, the named employee will contact the assigned Deputy District Attorney or other attorney of record of the bona fide unavailability of the employee.

- (b) If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five (5) working days prior to the date listed for an appearance, the supervisor or other authorized individual may refuse to accept service.
- (c) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a notice of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the Department 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)]

## **348.26 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Santa Cruz 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 officers 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 assure 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 \$150.00 (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.

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## **348.34 CITY ATTORNEY**

Upon receipt of a civil subpoena, the Records Supervisor shall forward a copy to the City Attorney.

## **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's Memorandum of Understanding.

## **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. Female employee's suitable business attire 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.

## Reserve Officers

### 350.1 PURPOSE AND SCOPE

The Santa Cruz Police 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 police staffing levels.

### 350.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS

The Santa Cruz 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 Police Chief 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 a bi-annual stipend allowance as set forth by City Council Resolution.

### 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 Operations Division. Reserve Officers may be assigned to other areas within the Department, as needed. Reserve Officers are required to work a minimum of two full shifts 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 or she shall become thoroughly familiar with these policies.



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Whenever a rule, regulation, or guideline in the Santa Cruz Policy Manual refers to a sworn regular police officer, it shall also apply to a sworn Reserve Officer unless, by its nature, it is inapplicable.

## **350.32 RESERVE OFFICER ASSIGNMENTS**

All Police Reserve Officers will be assigned to duties by the Reserve Coordinator or his or 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 officer meetings;
- (c) Establish and maintain a reserve call-out roster;
- (d) Maintain and ensure performance evaluations are completed;
- (e) Monitor individual reserve officer performance;
- (f) Monitor overall Reserve Program;
- (g) Maintain liaison with other agency's 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 an FTO 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 a police officer with the Santa Cruz 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.

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If the Reserve Officer has progressed satisfactorily, he/she will then proceed to phase two of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

## **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 two of training, as with phase one, 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 two of training, the Reserve Officer will return to his/her "Primary Training Officer" for phase three of the training.

## **350.46 PHASE THREE OF TRAINING**

Phase three of training shall consist of a minimum 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 three 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**

Penal Code § 832.6(a)(2) requires that a Level II Reserve Officer be under the immediate supervision of a regular sworn officer who possesses a POST Certificate. Although a Reserve Officer may have attained the status of a Level II Reserve Officer, these provisions shall continue to apply unless special authorization is received which relieves the "immediate supervision" requirement.

## **350.51 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve Officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Deputy Chief, 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.

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In the absence of the Reserve Coordinator and the Deputy Chief, 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 Santa Cruz Police Reserve Officers will be issued a uniform badge and a police Department identification card. The uniform badge shall be the same as that worn by a regular Santa Cruz officer. The identification card will be the standard Police Officer identification card with the exception that "Reserve" will be indicated on the card.

## **350.54 UNIFORM**

All Police Reserve Officers shall conform to the Department's uniform regulations as per this Policy Manual.

## **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 Deputy Chief of Operations.

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.

## **350.6 FIREARMS REQUIREMENTS**

Penal Code § 830.6(a)(1) designates a Police 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 § 836.6.

## **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 CONCEALED FIREARMS PROHIBITED**

No Reserve Officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to-and-from work, except those Reserve Officers who possess a valid CCW permit. An instance may arise where a Reserve Officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the Reserve Officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the Deputy Chief.

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Any Reserve Officer who is permitted to carry a firearm other than the assigned duty weapon, may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the Reserve Officer, be inspected and certified as fit for service by a Departmental Armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the Reserve Officer shall have demonstrated his/her proficiency with said weapon.

## **350.63 RESERVE OFFICER FIREARM TRAINING**

All Police 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.

- (a) All Reserve Officers are required to qualify bi-annually with their duty weapon and one per year with the Department carbine rifle.
- (b) Reserve Officers may fire at the Department approved range at least once each month and more often with the approval of the Reserve Coordinator;

## **350.7 EMERGENCY CALL-OUT FOR RESERVE OFFICER 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 Santa Cruz Police Department may be requested to assist other agencies by taking persons into custody or detaining them. This Department may also request an outside agency to provide assistance. Our policy is to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this Department.

#### **352.11 ASSISTING OUTSIDE AGENCIES**

Generally, calls for assistance from other agencies are routed to the Watch Commander 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 Department 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 Santa Cruz Police Personnel.

#### **352.12 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES**

If assistance is needed from another agency, a supervisor shall make the request.

## 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, 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 feel 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. Handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists.

#### **354.22 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. 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 serious and high-risk sex offenders.

### 356.2 REGISTERED SEX OFFENDER CATEGORIES

The California Department of Justice has categorized each registered sex offender as either serious, high risk or other. Megan's Law only permits public disclosure of certain information regarding serious and high-risk sex offenders. The Department may determine the current classification of any registered sex offender by accessing the Megan's Law Website provided by the Department of Justice, CLETS (Violent Crime Information Network/Supervised Release File) or by contacting DOJ directly.

#### **356.21 SERIOUS SEX OFFENDERS**

Serious sex offenders are those individuals who have been convicted of at least one sex offense set forth in Penal Code § 290.4(a)(1) and who have currently been identified by DOJ as serious sex offenders. This group generally includes those convicted of felony sex offenses or child molestation.

#### **356.22 HIGH RISK SEX OFFENDERS**

High-risk sex offenders are serious sex offenders who have been separately convicted of multiple sex offenses as defined in Penal Code § 290(n)(1)(A) and who have currently been identified by DOJ as high-risk offenders.

#### **356.23 OTHER REGISTERED SEX OFFENDERS**

All other registered sex offenders will fall into the "other" category. This will generally include misdemeanor sex crimes (other than child molestation). Information on these individuals may not be released to the public under Megan's Law except as provided in § 356.38 below.

### 356.3 DEPARTMENTAL DISSEMINATION OF INFORMATION

Megan's Law authorizes peace officers to disseminate information about serious and high-risk sex offenders to the public. The method of release of this information will be determined by the sex offender's current classification with DOJ.

#### **356.31 RELEASE OF INFORMATION REGARDING SERIOUS SEX OFFENDERS**

Before any officer may publicly release information regarding a serious sex offender, the officer must reasonably suspect (based upon information provided by any peace officer or member of the public) that a child or other person may be at risk from the serious sex offender.

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“Reasonably suspect” means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk of becoming a victim of a sex offense committed by the sex offender. Penal Code § 290(m)(5).

Prior to the public release of any information regarding a serious sex offender, an officer shall obtain approval from an Investigations Commander.

## **356.32 SCOPE OF PUBLIC DISSEMINATION FOR SERIOUS OFFENDERS**

Once the conditions set forth in § 356.31 have been met, an officer may release authorized information regarding a serious sex offender to the following persons, agencies, or organizations the offender is likely to encounter, including, but not limited to, the following:

- (a) Public and private educational institutions;
- (b) Day care establishments;
- (c) Establishments and organizations that primarily serve individuals likely to be victimized by the offender;
- (d) Other community members at risk.

“Likely to encounter” means any of the above individuals who are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis. The types of interaction ordinarily occurring at those locations indicate that contact with the offender is reasonably probable. Penal Code § 290(m)(4).

## **356.33 RELEASE OF INFORMATION REGARDING HIGH-RISK OFFENDERS**

In addition to the release of information regarding serious sex offenders, this Department may advise the public of the presence of high-risk sex offenders in the community. Penal Code § 290(n).

Once the Department has verified an individual’s current status as a high-risk offender, the conditions set forth in § 356.31 and § 356.32 need not be met. The mere fact that the individual is currently classified as a high-risk offender may be sufficient to warrant notification to the public.

Prior to the release of any information regarding a high-risk sex offender, approval of a supervisor shall be obtained.

Information released on high-risk offenders shall not exceed the information set forth in § 356.34. However, the scope of any such release may include the general public within the community.

## **356.34 INFORMATION WHICH MAY BE RELEASED**

Once it has been determined that the criteria authorizing the release of information on any sex offender has been met, an officer may release any of the following information when deemed relevant and necessary to protect the public:

- The offender’s full name;



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- The offender's known aliases;
- The offender's gender;
- The offender's race;
- The offender's physical description;
- The offender's photograph;
- The offender's date of birth;
- Crimes resulting in the registration of the offender under Penal Code § 290;
- Description of the offender's vehicle(s) or vehicle(s) the offender is known to drive;
- Type of victim targeted by the offender;
- Relevant parole or probation conditions, such as prohibiting contact with children;
- Dates of crimes resulting in current classification;
- Dates of release from confinement;
- The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

Information disclosed shall not include information that would identify the victim.

Information regarding the offender's home or work addresses and vehicle license plate numbers shall not be disclosed unless the offender is currently wanted for a criminal offense. Prior to the release of any offender's address(es), the officer shall verify that it is still current.

### **356.35 WARNING REQUIRED**

In all situations involving the public release of information regarding sex offenders, a warning shall be included stating that the purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.

Members of the public should also be informed that it is illegal to use any such information to commit a crime against any sex offender or to engage in illegal discrimination or harassment against any sex offender. Penal Code § 290.4(a)(5).

### **356.36 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 Investigation Section.

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.

### **356.37 METHODS OF DISSEMINATION**

Once the status of any sex offender has been verified, the public release of authorized information regarding that individual may be made by whatever means necessary to protect the public.

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In each case, consideration should be given to the status of the offender as either "serious" or "high-risk" and the scope of the release limited to the criteria set forth in either § 356.31 or § 356.32. Consideration should also be given to geographic boundaries that might limit or expand the scope of any dissemination.

For example, under § 356.31, release of information regarding a serious sex offender might be accomplished by sending letters and/or posting flyers at schools and parks in the area where potential victims would be likely to encounter the offender.

On the other hand, public notification regarding a high risk sex offender under § 356.32 may extend to the entire local community and could include methods such as notification to the local media and posting of flyers.

In no case shall notification be made by way of the Internet.

## 356.4 PUBLIC INQUIRIES

As a general rule, information may not be given over the telephone since the applicant is required to fill out a waiver form to view the Megan's Law Website. Members of the Public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan's Law Website maintained by the Department of Justice. They may also be referred to the DOJ "900" number (Currently, (900) 448-3000). In the event that a telephone inquiry is accommodated, information provided over the telephone must follow the guidelines listed in § 356.3 "Departmental Dissemination of Information."

## 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 Deputy Chief. 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 § 310.53 for special notifications);
- Significant injury or death to employee - on or off duty;
- Death of a prominent Santa Cruz official;
- Arrest of Department employee or prominent Santa Cruz official;
- Aircraft crash with major damage and/or injury or death;
- In-custody deaths.

### 358.3 WATCH COMMANDER RESPONSIBILITY

The on-duty 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 calling the home phone number first, and then by cell phone, leaving messages on both numbers.

#### **358.31 STAFF NOTIFICATION**

In the event an incident occurs described in § 358.2, the Chief of Police shall be notified along with the affected Deputy Chief and the Detective Lieutenant if that section is affected.

#### **358.32 INVESTIGATION NOTIFICATION**

If the incident requires a detective respond from home, the on duty supervisor shall make a request for the response of the on-call detective(s).

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## **358.33 TRAFFIC SECTION NOTIFICATION**

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate Accident Investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

## Death Investigation

### 360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

### 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

#### **360.21 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 on all death cases.

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.

#### **360.23 DEATH INVESTIGATION REPORTING**

All incidents involving a death shall be documented on the appropriate form.

#### **360.24 SUSPECTED HOMICIDE**

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the investigations section shall be notified and a detective shall respond to the scene for further immediate investigation.

## 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 residency 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 shall 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 shall 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 shall 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 shall inform the victim of identity theft of their right to obtain court ordered access to the Department of Justice identity theft database pursuant to Penal Code § 530.7.

## 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 affect 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.

NOTE: 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

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investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
  2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking;
  2. Release the individual pursuant to a Notice to Appear;
  3. Release the individual pursuant to Penal Code § 849.



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## 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 Police Records Manager.
- (c) By the 10<sup>th</sup> of each month, it shall be the responsibility of the Police Records Manager to insure 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 DOJ with an indication that no such crimes were reported.

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2. Any ARRC's reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

## 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 § 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.

#### **372.24 PROCEDURE**

When an arrest is made, the officer making the arrest shall notify their immediate supervisor. The supervisor will ensure notification is made to the office of the Chief of Police through the chain-of-command.

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## **Chapter 4 – Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol section of the Department to ensure intra-department cooperation and information sharing.

#### **400.11 FUNCTION**

Officers will generally patrol in clearly marked police vehicles, patrol assigned geographic areas within the City of Santa Cruz, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours a day seven days a week.

The patrol section 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 section and other sections within the department, as well as outside and other 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 sections of the Santa Cruz 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 section for retention or follow-up investigation.

## Racial Profiling

### **402.1 PURPOSE AND SCOPE**

To unequivocally state that the detention, interdiction, arrest or other disparate treatment of any person on the basis of their racial or ethnic status or characteristics is unacceptable and, to provide guidelines for personnel to prevent such occurrences.

Definition: As defined by Penal Code Section 13519.4(c)(4)(d):

“Racial profiling 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.”

### **402.11 POLICY**

- (a) Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit a violation of law.
- (b) No motorist or pedestrian shall be detained beyond the point where there exists no reasonable suspicion of further violation of law, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person’s voluntary consent.
  - 1. In each case where a search is conducted, the information shall be recorded, including the legal basis for the search, and the results thereof.
  - 2. In the absence of a specific, credible report containing a physical description, a person’s race, ethnicity, or gender, or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
  - 3. Since California Drivers Licenses do not list race, the recording of racial information shall be based solely on the officers’ observations. Unless a true necessity exists, ethnic background or race shall not be asked.

### **402.2 PROCEDURE**

The recording of the demographic data shall be by in-car computer system. If it is not practical or the system is not available, radio codes as listed in the Incident Disposition Codes shall be used.

### **402.3 TRAINING**

- (a) All sworn members of this Department will be scheduled to attend POST approved training on the subject of “racial profiling”.

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- (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 (5) years or sooner if deemed necessary in order to keep current with changing racial and cultural trends.

## Roll Call Training

### 404.1 PURPOSE AND SCOPE

Roll call training is generally conducted before a patrol officer's assigned shift. Roll call training provides an opportunity for important exchange between employees and supervisors. A supervisor generally conducts roll call training; 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 new directives or changes in directives;
- (c) Reviewing recent incidents for training purposes;
- (d) Providing training on a variety of subjects.

### 404.2 PREPARATION OF MATERIALS

The supervisor conducting roll call training 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 responsible for the preservation of the scene, however officers shall also consider officer safety and public safety issues including rendering medical aid for any injured parties. The integrity of the crime/disaster scene shall be maintained until relieved by a supervisor.

#### **406.21 FIRST RESPONDER CONSIDERATIONS**

The following list describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive and is not necessarily in this order:

- (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 evidential value;
- (f) Start chronological log noting critical times and personnel allowed access.

#### **406.22 MEDIA ACCESS**

Pursuant to Penal Code § 409.5(d), 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:

- (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));

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- (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 on-duty supervisor or supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media, but every effort shall be made to keep them well informed of the progress of the operation.

## Emergency Services Unit

### 408.1 PURPOSE AND SCOPE

The Emergency Services Unit is comprised of three specialized teams: the Negotiation Team, the Dive Team, and the Tactical Team. The unit has been established to provide specialized support in handling critical field operations where negotiations, dive/rescue/recovery, and special tactical deployment methods are required.

#### **408.11 OPERATIONAL AND ADMINISTRATIVE POLICY**

The Policy Manual sections pertaining to the Emergency Services 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-the-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

### 408.2 COMMAND OF THE EMERGENCY SERVICES UNIT

The Deputy Chief of the Operations Division is the Commander of the E.S.U.

#### **408.21 TEAM MANAGERS**

Each specialized team shall be managed by a Lieutenant assigned by the Deputy Chief of Operations. The Team Manager shall be responsible to coordinate all aspects of the team, including deployment, acquisition of equipment, and training. There may be one or more Team Supervisors assigned to a team. The decision to assign a Team Supervisor shall rest with the Deputy Chief of Operations.

#### **408.22 TEAM ASSIGNMENTS**

The Emergency Services Unit is a voluntary assignment in nature. Personnel who are selected are not guaranteed a length of assignment and may be rotated out of the unit by the Deputy Chief of Operations. These rotations are normal and not disciplinary or subject to the grievance process.

### 408.3 NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Negotiation Team has been established to provide skilled verbal communicators to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

#### **408.31 SELECTION OF PERSONNEL**

During an established filing period, interested sworn personnel who are off probation, shall submit a written request to the Deputy Chief of Operations requesting consideration for

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appointment to the team. Applicants will be interviewed by an oral panel designated by the Deputy Chief of Operations. Interested personnel shall be evaluated by the following criteria:

- (a) Work history as evidenced by past job performance including a review of the personnel file;
- (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) Skills, training, and education as it pertains to the assignment;
- (e) Willingness to work unusual working hours and attend required training.

The results of the oral panel interview will be forwarded to the Deputy Chief of Operations. The Deputy Chief will make a selection for assignment to the team after consultation with the Chief of Police.

## **408.32 TRAINING OF NEGOTIATORS**

Personnel selected as members of the Negotiation Team shall attend and pass a department-selected P.O.S.T. approved Basic Negotiators course prior to becoming an active member of the team. Additional training will be coordinated by the Team Manager.

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.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of personnel off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members. Any team member who fails to attend training will be placed on inactive status until completing the next scheduled team training day. If the team member fails to complete the next scheduled training day, he/she will be rotated off of the team.

## **408.4 TACTICAL TEAM ADMINISTRATIVE PROCEDURES**

The Tactical Team has been established to provide a skilled and trained team to be deployed during events requiring specialized tactics and equipment. The following procedures serve as directives for the administrative operation of the Tactical Team.

### **408.41 SELECTION OF PERSONNEL**

During an established filing period, interested sworn personnel who are off probation, shall submit a written request to the Deputy Chief of Operations requesting consideration for appointment to the team. Applicants will be scheduled for a physical agility test (Attachment A). The test is designed to determine the physical capabilities of the applicant as it relates to performance of tactical team duties. The test is pass/fail. Those successful in the physical agility test shall be scheduled for the E.S.U. Firearms Qualification Course (attachment B). Those successful in the E.S.U. Firearms Qualification Course will be scheduled for an oral panel interview. Members of the oral panel will be designated by the Deputy Chief of Operations. The panel will evaluate personnel in the following areas:

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- (a) Work history as evidenced by past job performance including a review of the personnel file;
- (b) Demonstrated good judgment and understanding of the critical role of tactical team member;
- (c) Skills, training, and education as it pertains to this assignment; and,
- (d) Willingness to work unusual working hours and attend required training.

The results of the oral panel interview will be forwarded to the Deputy Chief of Operations who will make the final selection for assignment to the team after consultation with the Chief of Police.

## **408.42 TRAINING OF TACTICAL TEAM MEMBERS**

Personnel selected as members of the Tactical Team shall attend and pass a department-selected P.O.S.T. approved 80-hour Basic Special Weapons and Tactics type course prior to becoming an active member of the team. Additional training will be coordinated by the Team Manager.

Team members are required to participate in team training. Any team member who fails to attend training, will be placed on inactive status until completing the next scheduled team training day addressing that particular training module. If the team member fails to complete the next scheduled training day, he/she will be rotated off of the team.

Officers and Sergeants assigned to the Team must pass the physical agility test on an annual basis and the E.S.U. firearms qualification courses on a quarterly basis. The Team Manager will schedule these tests. If the team member does not pass the test, h/she will be rotated off of the team. Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of person off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members.

## **408.5 DIVE TEAM ADMINISTRATIVE PROCEDURES**

The Dive Team has been established to provide a skilled and trained team to be deployed in a marine environment for purposes of arrest, rescue, recovery, and general support of the law enforcement mission. The following procedures serve as directives for the administrative operation of the Dive Team.

## **408.51 SELECTION OF PERSONNEL**

During an established filing period, interested sworn personnel who are off probation and possess a valid N.A.U.I. or P.A.D.I. dive certification, shall submit a written request to the Deputy Chief of Operations requesting consideration for appointment to the team. Applicants will be scheduled for a check-out dive by the dive team commander (Attachment C). The check-out dive is designed to determine the physical capabilities of the applicant as it relates to performance of dive team duties. The check-out dive is pass/fail. Applicants will then be interviewed by an oral panel designated by the Deputy Chief of Operations. Interested personnel shall be evaluated by the following criteria:

- (a) Work history as evidenced by past job performance including a review of the personnel file;

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- (b) Demonstrated good judgment and understanding of the critical role of a dive team member;
- (c) Skills, training, and education as it pertains to the assignment;
- (d) Willingness to work unusual working hours and attend required training.

The oral panel shall submit a list of successful candidates to the Deputy Chief of Operations. The Deputy Chief of Operations will make the final selection for assignment to the team after consultation with the Chief of Police.

## **408.52 TRAINING OF DIVE TEAM MEMBERS**

Personnel selected as members of the dive team shall be placed on active status. Team members are required to participate in a minimum of twelve team training dives annually as scheduled by the Team Manager. Any team member who fails to attend training will be placed on inactive status until completing the next scheduled team training day. If the team member fails to complete the next scheduled training day, they will be rotated off of the team. Team members must pass the check-out dive on an annual basis. The Team Manager will schedule the check-out dive. If the team member fails to pass the check-out dive, they will be immediately placed on inactive status. The Team Manager will schedule another check-out dive 30 days later. If the team member does not pass the check-out dive, they will be rotated off of the team. Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of person off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members.

## **408.6 OPERATION GUIDELINES FOR EMERGENCY SERVICES UNIT**

The following procedures serve as guidelines for the operational deployment of the Emergency Services Unit. Generally, the Negotiations Team and the Tactical Team will be activated together; however, it is recognized that the Tactical Team may be used in a situation not requiring the physical presence of the Negotiation Team such as warrant service operations. The Tactical Team Manager shall make this determination.

## **408.61 APPROPRIATE SITUATIONS FOR USE OF EMERGENCY SERVICES UNIT**

The following are incidents that may indicate the need for activation of the Emergency Services Unit:

- (a) Barricaded suspects who refuse an order to surrender;
- (b) Hostage taking incidents;
- (c) Subjects threatening suicide;
- (d) High risk arrests/warrant service;;
- (e) Recovery/Rescue operations in marine environments;
- (f) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

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## **408.62 MOBILIZATION OF EMERGENCY SERVICES UNIT**

The on-scene supervisor shall assess the incident and contact the Watch Commander. The Watch Commander has the authority to activate any and all teams of the E.S.U. The Watch Commander shall contact the Team Manager(s) and advise them of the circumstances of the incident. Team member call out lists shall be maintained in the Patrol Sergeant's Office, the Watch Commander's Office, the Records Section, and NETCOM personnel may be utilized to complete the call-out of team members.

## **408.63 FIELD UNIT RESPONSIBILITIES**

While waiting for the Emergency Services Unit, field personnel should, if safe and practical:

- (a) Establish an inner and outer perimeter;
- (b) Establish a command post outside of the inner perimeter;
- (c) Evacuate any injured persons in a dangerous area;
- (d) Plan for, and stage, additional resources.

## **408.64 ON-SCENE COMMAND RESPONSIBILITIES**

When the Emergency Services Unit arrives, the Incident Commander (highest ranking department member on-scene) shall brief the Team Manager(s). The Incident Commander has the final authority when deploying E.S.U. teams, however, the Team Manager has direct authority over their individual team. As a result of their immediate patrol assignment, the Incident Commander (Lieutenant) may also be an E.S.U. Team Manager. If this occurs, the Team Manager will assign a team member to take charge of team operations subject to manager approval pending the arrival of another Lieutenant or Deputy Chief.

## **408.65 OUTSIDE AGENCY REQUESTS**

Authorization for the use of E.S.U. by outside agencies must be obtained from a Deputy Chief. A Lieutenant or Deputy Chief will accompany the E. S. U. to the requesting agency's command post and remain present while E.S.U. is deployed.

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## **ATTACHMENT A**

### **PHYSICAL AGILITY TEST**

1. Scale a 6 foot wall (wearing additional equipment consisting of a ballistic helmet and vest). The candidate shall have one minute to perform the test.
2. Participate (wearing additional equipment consisting of a ballistic helmet and vest) will lay face-down on the ground. At the signal, the participant will jump to their feet, grab a Colt M4, and run 40 yards. The candidate shall have 7.7 seconds to complete the test.
3. Participant will run a total of 800 meters. At the 200 meter line, the participant will encounter 9 cones placed 5 yards wide and 5 yards deep in a serpentine pattern. The participant will continue running in the serpentine pattern at the 400 meter line, will encounter a 165 lb. dummy which must be dragged 10 yards. The participant will continue running to the 600 meter line (back at the cones) and "stop and drop" at each of the cones. The participant's body must be entirely prone at each stop and drop. The participant will run to the finish line. The candidate shall have 4 minutes 45 seconds to complete the test.



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## ATTACHMENT B

### E.S.U. Basic Qualification Course

#### Handgun

##### 25 Yard Line:

From a barricaded position, fire 4 rounds strong hand and 4 rounds weak hand in 30 seconds, standing.

Fire 4 rounds kneeling and 4 rounds prone in 30 seconds.

##### 15 Yard Line:

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

##### 7 Yard Line:

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

##### 5 Yard Line:

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

##### 3 Yard Line:

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

70 Rounds total.

90% passing=63 hits.

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## E.S.U. Basic Qualification Course

### Carbine

#### 25 Yard Line:

Prone position, 3 rounds in 15 seconds.  
Prone position, 3 rounds in 15 seconds.  
Prone position, 2 rounds center mass and 2 rounds to the head in 15 seconds.  
Sitting position, 2 rounds center mass and 2 rounds to the head in 15 seconds.  
Kneeling position, 2 rounds center mass and 2 rounds to the head in 15 seconds.

#### 15 Yard Line:

Kneeling position, 2 rounds center mass and 1 round to the head in 8 seconds.  
Kneeling position, 2 rounds center mass and 1 round to the head in 8 seconds.

#### 10 Yard Line:

Standing low ready, 2 rounds in 2 seconds.  
Standing low ready, 2 rounds in 2 seconds.  
Standing low ready, 2 rounds in 2 seconds.

#### 5 Yard Line:

Load two AR magazines with 5 rounds in each magazine.  
Standing position, 5 rounds center mass, then transition to handgun and fire 2 rounds.  
Standing position, 5 rounds center mass, then transition to handgun and fire 2 rounds.

40 rounds total. Handgun rounds are not counted.  
90% passing=36 hits.

## ATTACHMENT C

### **Scuba Diving/Swim Skills Test**

1. Swim 25 yards underwater continuously.
2. Swim 250 meters unassisted freestyle.
3. Tread water for a period of 10 minutes unassisted.
4. At a depth of 20 feet or more, flood mask and purge mask.
5. At a depth of 20 feet or more, completely remove and replace mask then purge mask.
6. At a depth of 20 feet or more, remove regulator while continuously blowing bubbles. Recover regulator by pushing up the tank from the bottom and reaching the regulator hose from the rear. Purge regulator and re-insert regulator.
7. Repeat the above exercise by using the arm sweep motion to recover the regulator, purge regulator, and re-insert regulator.
8. At a depth of 20 feet or more, remove BC and fins. While underwater put gear back on.
9. Demonstrate buoyancy control.
10. Demonstrate proficiency in a 50 yard kelp swim in full gear.

## Ride-Along Policy

### 410.1 PURPOSE AND SCOPE

The Santa Cruz Police Department Ride-along Program provides an opportunity for citizens to experience the police function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-along Program.

#### **410.11 ELIGIBILITY**

The Santa Cruz Police Department Ride-along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under the age of 15;
- 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 established by the Operations Division.

### 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by a member the Operations Division Administrative Assistant. 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 Operations Division Administrative Assistant will schedule a date, based on availability, at least one week after the date of application. The completed waiver will be routed to the appropriate field supervisor. When the ride-along is completed, the completed waiver will be re-routed to the Operations Division Administrative Assistant.

If the ride-along is denied after the request has been made, a Watch Commander will contact the applicant and advise him/her of the denial.

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## **410.21 PROGRAM REQUIREMENTS**

Once approved, civilian ride-alongs will be allowed to ride no more than once every twelve months. An exception would be police applicants, and others, with approval of the Watch Commander.

The length of the ride-along may be determined by the shift supervisor. A minimum of two hours and a maximum of six hours is suggested.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

## **410.22 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed. The Watch Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

## **410.23 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 Santa Cruz 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 this location. The ride-along may be continued or terminated at this time.

## **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 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;

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- (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.

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## 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 without placing your safety in jeopardy. (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.

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.

#### **412.31 SUPERVISOR RESPONSIBILITY**

When a supervisor has been informed that an employee has been exposed to a hazardous material, he or she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

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## 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 supervisor;
- (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.



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## 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- size, shape, markings, etc. 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;
- (f) Consideration for support personnel, i.e. paramedics and fire department;
- (g) The possibility for secondary device(s) should be considered;
- (h) Devices or suspected devices will be handled by the Sheriff's Bomb Squad/EOD.

### 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.

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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:

- (a) Fire Department;
- (b) Bomb Squad;
- (c) Additional field officers;
- (d) Field supervisor;
- (e) Watch Commander;
- (f) Detectives;
- (g) ATF & E.

## **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 Bomb Squad.

## **416.4 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.

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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 digital tape 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.

## 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 W & I CODE § 5150 DEFINED

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, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Welfare and Institutions Code § 5651.7, or other professional person designated by the county 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, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person 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, member of the attending staff, or professional person, 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 TRANSPORTATION

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, they should relieve the officer and physically remain in the treatment room with the patient.

#### **418.31 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.

#### **418.32 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 police report. The

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officer shall also provide a verbal summary to an Emergency Department staff member regarding the circumstances leading to the involuntary detention.

## 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 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 & 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 Investigation Bureau which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare & Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the superior court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).
- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return. 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.

## Cite & Release Policy

### 420.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires police 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 where 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.

### 420.3 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 eighteen years 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 DISQUALIFYING CIRCUMSTANCES**

Penal Code § 853.6(l) specifies that a person arrested for a misdemeanor shall be released on a citation 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;
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302 , 40303, and 40305;
  - 1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
  - 2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right

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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. 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 in the narrative of the associated report.

## **420.34 INSTRUCTIONS TO CITED PERSON**

The citing officer shall, at the time he/she asks the defendant to sign the citation, 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.

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## 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).

### 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 super-cedes 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. However, a person shall not 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.



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## **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. However, 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 enough 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 DOS and are issued distinctive identification cards by the DOS 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 DOS. In addition to the DOS identification card, Foreign Service personnel should also have a driver license issued by the DOS 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 DOS 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

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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 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 DOS 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 § 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.

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Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by DOS, 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 DOS identification cards are 3-3/4" by 1-1/2" and contain a photograph of the bearer.
- (b) Initiate telephone verification with DOS. Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with DOS 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:

Office of Foreign Missions  
San Francisco, CA  
(415) 744-2910, Ext. 22 or 23  
(415) 744-2913 FAX  
(0800-1700 PST)

Office of the Foreign Missions  
Los Angeles, CA  
(310) 235-6292, Ext. 121 or 122  
(310) 235-6297 FAX  
(0800-1700 PST)

Office of Foreign Missions  
Diplomatic Motor Vehicle Office  
Washington D.C.  
(202) 895-3521 (Driver License Verification) or  
(202) 895-3532 (Registration Verification)  
(202) 895-3533 FAX  
(0815-1700 EST)

Department of State  
Diplomatic Security Service  
Command Center  
Washington D.C.  
(202) 647-7277  
(202) 647-1512  
(Available 24 hours)  
(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by OES, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by DOS; and, DOS 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 other form of identification indicate 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 (DUI), field sobriety tests (including Preliminary Alcohol Screening (PAS) device tests) and chemical tests should be offered and obtained whenever possible, but these tests cannot be compelled. The

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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, DUI Arrest-Investigation Report, Arrest-Investigation Report and/or any relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. Moreover, DOS will take appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the Department.

## 422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a DOS OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the "miscellaneous" box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in § 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 police chief's office 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 DOS 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's office within 48 hours of the incident. The Chief's office will check to insure that notification of DOS 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;

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- (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 individual that he/she is entitled to have his/her government notified of the arrest or detention. Penal Code § 834 (c). 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 Departmental Communications Center/Dispatch as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

- Country of citizenship;
- Full name of individual, including paternal and maternal surname if used;
- Date of birth or age;
- Current residence;
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the department itself.

If the foreign national claims citizenship of one of the countries listed in Table 1 (appendix), officers shall provide Dispatch/Communications Center with the information above, as soon

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as practical, whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of our treaty obligations with the particular countries.

Officers should attempt to provide the Dispatch/Communications 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/Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

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## Reporting Police Activity Outside of City

### 426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the City of Santa Cruz.

#### **426.11 ASSISTANCE TO AGENCIES OUTSIDE THE CITY**

When an officer is on-duty and is requested by another agency to participate in police activity outside the city limits of Santa Cruz, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander.

#### **426.12 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY**

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of Santa Cruz shall notify his or her supervisor or the on-duty Watch Commander at the earliest possible opportunity. Any off duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the on duty Watch Commander immediately. The on-duty supervisor will notify the on-duty Watch Commander immediately.

## 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.

#### **434.22 FEDERAL AVIATION ADMINISTRATION (F.A.A.)/N.T.S.B.**

The F.A.A./N.T.S.B. has the ultimate authority for the scene of an aircraft crash. The F.A.A. is concerned with several aspects of a crash as described in this section. The Watch Commander shall notify the F.A.A. immediately after an aircraft crash.

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 F.A.A. 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 F.A.A. investigator in advance.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.



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If no injury or death results and the F.A.A. 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 F.A.A. or military authorities, or at the discretion of the pilot or the owner, if the F.A.A. is not responding for an on-site investigation.

## 434.3 DOCUMENTATION

Any aircraft accident (crash) within the city, regardless of whether injuries or deaths occur, shall be documented.

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## Field Training Officer Program

### 436.1 PURPOSE AND SCOPE

The Field Training Program is intended to provide a standardized program to facilitate the police officer's transition from the academic setting to the actual performance of general law enforcement duties of the Santa Cruz Police Department.

It is the policy of the Santa Cruz Police Department to assign all new police officers 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 (FTO)

The FTO is an experienced police officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

### 436.21 SELECTION PROCESS

Field Training Officers will be selected based on the following requirements:

- Desire to be a Field Training Officer.
- Minimum of one (1) year of patrol experience, and possess a POST basic certificate.
- Demonstrated ability as a positive role model.
- Participate and pass an internal oral interview selection process.
- Evaluation by supervisors and current Field Training Officers.
- FTO's will be appointed by the Chief of Police or his/her designee.

### 436.22 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 3 years while assigned to the position of Field Training Officer.

### 436.3 FTO PROGRAM SUPERVISOR

The FTO Program Supervisor will be selected from the rank of sergeant or above by the Operations Commander or his/her designee.

The FTO Program Supervisor shall have the responsibility of, but not be limited to:

- Assignment of trainees to FTO's;

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- Conducting FTO meetings;
- Maintain and ensure FTO/Trainee performance evaluations are completed;
- Monitor individual FTO performance;
- Monitor overall FTO Program;
- Maintain liaison with other agency's FTO Coordinators; and
- 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 Santa Cruz Police Department who has successfully completed a POST approved Basic Academy.

## 436.5 REQUIRED TRAINING

Entry level police officers shall be required to successfully complete the FTO program, consisting of a minimum of 16 weeks.

The training period for a lateral police officer may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

At the discretion of the Chief of Police an officer that is a lateral entry officer, and possesses a POST Basic Certificate, and has completed a POST-approved Field Training Program, and has at least one year previous experience performing general law enforcement, uniformed patrol duties, may be exempted from the Santa Cruz Police Department Field Training Program.

## 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 the Field Training Supervisor on a daily basis.
- (b) FTO's shall review the Daily 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 FTO manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

### **436.62 FTO SUPERVISOR**

The FTO supervisor shall review and approve the Daily Trainee Performance Evaluations.

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## **436.63 FIELD TRAINING ADMINISTRATOR**

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the Field Training Officer through the FTO supervisor.

## **436.64 TRAINEE**

At the completion of the FTO Program, the trainee shall submit a confidential performance evaluation on each of their Field Training Officers 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

## Photographing of Field Detainees

### 440.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish guidelines for the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the field officer, the decision to 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 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". Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

#### **440.21 PHOTOS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent in writing. Officers will check the consent box and give a brief statement of consent.

#### **440.22 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 must serve some legitimate law enforcement purpose related to the detention. Knowledge or suspicion of gang membership or affiliation, without more, is not a sufficient justification for a photograph taken 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) 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.
- (c) The officer can articulate a reasonable suspicion that the individual is somehow involved in criminal activity.

#### **440.23 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 and the ever increasing cost factor. This is not to imply that supervisor approval is required before each photograph. Access to field interview photographs shall be strictly limited to law enforcement purposes.

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## 440.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated field interview card file, 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 Section 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 Section in a separate non-booking photograph file in alphabetical order.

## 440.4 PURGING THE FIELD PHOTO FILE

The Records Manager, who maintains the file of field photographs, will be responsible for periodically purging and destroying all such photographs more than three years old. Access to the F.I. photo file shall be strictly limited to law enforcement purposes.

## 440.5 PHOTO REVIEW POLICY

Any person who has been photographed or the subject of a field interview card (FI) by the Santa Cruz Police Department during other than an arrest may file a written request within thirty (30) days of the 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.

### **440.51 REVIEW PROCESS**

Upon receipt of such a written request, the Police Chief 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/F.I.

Such a meeting will generally be scheduled during regular business hours within thirty (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 Police Chief, 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 Police Chief to disclose the reason(s) for the delay.

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

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

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If the Police Chief or designee determines that the photograph/F.I. 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/F.I. shall be retained according to this policy and applicable law.

If the Police Chief or 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 Santa Cruz 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 Police Chief or designee determines that the original legitimate law enforcement interest in retaining a non-arrest F.I. no longer exists or that the original F.I. was not obtained in accordance with established law or Santa Cruz 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 Police Chief or designee determines that any involved Santa Cruz Police personnel violated existing law or department policy, the Chief or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

Within thirty (30) days of the Police Chief's determination, the Police Chief or designee will inform the person photographed/F.I.'d in writing whether or not the photograph/F.I. will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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## 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 §§ 186.20 through 186.33 of the Penal Code "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 the following offenses as described in Penal Code § 186.22(e):
1. Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Penal Code § 245;
  2. Robbery, as defined in Penal Code § 211;
  3. Unlawful homicide or manslaughter, as defined commencing with Penal Code 187;
  4. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in §§ 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code;
  5. Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Penal Code § 246;
  6. Discharging or permitting the discharge of a firearm from a motor vehicle, as defined in subsections (a) and (b) of Penal Code § 12034;
  7. Arson, as defined in Penal Code § 450;
  8. The intimidation of witnesses and victims, as defined in Penal Code § 136.1;
  9. Grand theft, as defined in Penal Code § 487, when the value of the money, labor, or real or personal property taken exceeds ten thousand dollars (\$10,000);
  10. Grand theft of any firearm, vehicle, trailer, or vessel;
  11. Burglary, as defined in Penal Code § 459;
  12. Rape, as defined in Penal Code § 261;
  13. Looting, as defined in Penal Code § 463;



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14. Money laundering, as defined in Penal Code § 186.10;
  15. Kidnapping, as defined in Penal Code § 207;
  16. Mayhem, as defined in Penal Code § 203;
  17. Aggravated mayhem, as defined in Penal Code § 205;
  18. Torture, as defined in Penal Code § 206;
  19. Felony extortion, as defined in Penal Code §§ 518 and 520;
  20. Felony vandalism, as defined in Penal Code § 594;
  21. Carjacking, as defined in Penal Code § 215;
  22. The sale, delivery, or transfer of a firearm, as defined in Penal Code § 12072;
  23. Possession of a pistol, revolver, or other firearm capable of being concealed upon the person in violation of paragraph (1) of subdivision (a) of Penal Code § 12101;
  24. Threats to commit crimes resulting in death or great bodily injury, as defined in Penal Code § 422;
  25. Theft and unlawful taking or driving of a vehicle, as defined in Vehicle Code § 10851.
- (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 § 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

- (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, and;
  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), and;
  3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in § 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.

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- (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 and a reasonable basis for believing such affiliation has been established and approved by a gang investigator:
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 which is 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 be maintained by the Investigations Section and 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

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1. Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a Field Interview 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 (i.e., 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, etc.).
- (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's 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's 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.
- (b) Officers completing a field interview card under the guidelines above shall deliver it to the Records Section.

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## Mobile Audio Video Procedure

### 446.1 PURPOSE AND SCOPE

The Santa Cruz 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. The videotape is designed to provide an unbiased visual/audio record of the incident being taped that may supplement the officer's report.

### 446.2 REQUIRED ACTIVATION OF MAV

There are many situations where the use of the MAV is appropriate. This policy is not intended to describe every possible situation where the system is appropriate. In addition to the required situations, officers may activate the system if they feel its use would be appropriate and/or valuable to document an incident. Although an incident may not be visually taped, the use of audio can be invaluable evidence and is subject to the same activation requirements as the MAV. The following are situations requiring the recording of audio and video:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:
  - 1. Vehicular pursuits or failure to yield operators;
  - 2. Arrests when within operating/visual distance of the unit;
  - 3. DUI investigations including field sobriety tests;
  - 4. Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
    - (a) Domestic violence calls;
    - (a) Penal Code §148 incidents/calls;
    - (b) Offenses involving violence or weapons;
  - 5. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping;
  - 6. Any other circumstances where the officer feels MAV use 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.

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## 446.21 OFFICER RESPONSIBILITIES

- (a) At the beginning of each shift, the officer shall determine whether his/her recording equipment is working satisfactorily by turning on the MAV and ensuring it is not in the "lock" condition and that the video equipment is positioned and adjusted to record events. Officers shall ensure that the remote microphone is in proper working order and that both pieces of equipment remain turned on for the entirety of the officer's shift.
- (b) If a problem is found at this, or any other time, the officer shall immediately notify their supervisor who shall arrange for repair or adjustment by providing written notification of the vehicle deficiency. If the MAV is not properly functioning the patrol vehicle shall be "dead lined" and the officer shall be assigned to another vehicle with a functioning MAV.
- (c) Officers will notify the duty sergeant as soon as practical of any taped sequence that may represent evidence. The tape shall be removed immediately by the sergeant in order to preserve evidence and replaced with a new tape. The officer shall complete a written request for duplication of the incident and drop the request form in the "small single items" locker in the evidence booking area.
- (d) No tape, or portion thereof, may be copied without approval of a management employee. Copies may be made by the Property Section for court, training, or other approved purposes following the procedures set forth for tape duplication. Tapes will be retained for 15 months at which time they will be erased.

## 446.3 REVIEW OF MAV TAPES

Videotapes may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of officer conduct;
- (b) By the Professional Standard's Unit for an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation;
- (c) By court personnel through proper process or with permission of the Chief of Police or his/her designee;
- (d) By media personnel with permission of the Chief of Police or his/her designee;
- (e) Videotapes may be shown for the purposes of training value. If an involved officer objects to the showing of videotape, his/her objection will be submitted to the Deputy Chief of operations, in writing, to determine if the training value outweighs the officer's objection for not showing the tape;
- (f) After a written request has been approved by the Deputy Chief of Operations, an employee may view the original video tape of a specific incident. Viewing of a copy of the videotape does not require prior written approval;
- (g) Additional copies of videotapes shall only be made with the prior approval of the on-duty Watch Commander. The approval will be noted on the MAV duplication request.

Employees requesting to view a copy or original videotape are required to submit a request in writing to the Watch Commander.

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In no event shall any tape be used or shown for the purpose of officer ridicule or embarrassing an employee.

## 446.4 DOCUMENTING MAV USE

Any incident that was recorded with either the video and/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 that the incident was recorded.

## 446.5 VIDEOTAPE SECURITY AND STORAGE

- (a) No employee shall erase, tamper with, nor in any other manner alter the video tapes. All copies will be made by the Property Section for court, training or other approved purposes following the procedures set forth for tape duplication.
- (b) All videotapes will be retained for 15 months at which time they will be erased and recycled for use. The videotapes will be retained in the locked property facility.

## Mobile Digital Computer Use

### 448.1 PURPOSE AND SCOPE

The mobile digital computer (MDC) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

### 448.2 MDC USE

The MDC shall be used for official police communications only. All other uses are strictly forbidden.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

### **448.21 USE WHILE DRIVING**

Use of the MDC should be limited to times when the patrol vehicle is stopped. Sending or reading MDC messages while a patrol vehicle is in motion is a potentially dangerous practice. Short transmissions, such as entry of a license number for a stolen or registration check are permitted if they can be done safely. Reading messages while in motion should only be attempted when the message requires the officer's immediate attention. In no case shall an officer attempt to send or review lengthy messages while the patrol vehicle is in motion.

## Use of Audio/Digital Recorders

Refer to current Santa Cruz Police Department "Recording Devices" Policy



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## **Chapter 5 – Traffic Operations**

## Traffic Collision Reporting

Refer to current Santa Cruz Police Department "Traffic Investigation Policy"

## Disabled Motorists

### 520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 specifies that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to disabled motorists within their primary jurisdiction.

### 520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled motorist 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 police 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 citizen's 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.

## 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% level;
- (d) The arrestee completes the breath tests which show a BAC of .08% 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. A person under 21 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 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 the driver's PAS reading warrants arrest and further chemical testing, the DMV 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 APS temporary license document, do not confiscate.

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- (b) Complete and serve the "Administrative Per Se Order of Suspension" (DMV form DS367, DS367m or DS367s - Officer's Statement and Order of Suspension), 4<sup>th</sup> 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 APS suspension order/temporary license, do not confiscate the order and 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 DMV 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 § 526.4, review for completeness (dates, times, signatures, etc.) and forward the originals of the documents to the Traffic Section.

### **526.52 RECORDS SECTION RESPONSIBILITY**

The Records Section 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) One copy of the Forensic Alcohol Examination Report shall be attached to the second copy of form DS367, which shall be retained by the Records Section;
- (c) The Records Section is also responsible for keeping and updating a case log on all persons arrested for drunk driving. Information on that log shall include:
  - 1. Case number.
  - 2. Arrested driver's name.
  - 3. The date the forms were received in the Records Section.
  - 4. The date the forms were returned to the officer for corrections if applicable.

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5. The date form DS367 was mailed to the DMV.
6. Which test the arrested driver chose.

If the Department of Motor Vehicles should return form DS367, DS367m or DS367s for corrections, the Traffic Section 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 initialing 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 Records Section to be returned to the DMV.

## **526.53 PROPERTY OFFICER RESPONSIBILITY**

It is the responsibility of the Property 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.

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## **Chapter 6 – Investigation Operations**

## Sexual Assault Victims' DNA Rights

### 602.1 PURPOSE AND SCOPE

Consistent with 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.

### 602.2 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 insure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(i)(1)(A) and (B).
- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer should further insure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS).
- (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 sixty (60) days prior to the expiration of the two year period. (Penal Code § 680(d)).

### 602.3 VICTIM NOTIFICATION

- (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 shall thereafter follow-up with and retain a copy of confirmation by written mail.
  - 2. Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
- (b) 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.
  - 1. 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



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DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

2. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the DOJ 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.

## Asset Forfeiture Policy

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure & liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

### 606.2 ASSET SEIZURE AUTHORITY

Health & Safety Code § 11470 provides for the forfeiture of any currency, real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488a specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code of § 11470 (e) or (f).

#### **606.21 SPECIAL GUIDELINES APPLICABLE TO AUTOMOBILES**

Special guidelines apply regarding the minimum amounts of controlled substances contained in a vehicle in order for it to be seized as a conveyance used to facilitate narcotic activity. The minimum amounts of a controlled substance within a vehicle are as follows:

- 14.25 grams (1/2 oz) or more of rock cocaine or a substance containing heroin;
- 57.0 grams (2 oz) of a substance containing cocaine or methamphetamine;
- 10 pounds of marijuana, peyote or psilocybin.

### 606.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a field supervisor. The following guidelines will be observed:

- (a) The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture that includes an attached County of Origin Claim form Opposing Forfeiture and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle, or property seized;
- (b) When someone has made notification other than the Asset Forfeiture detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture detective for review;
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources. If a defendant has not

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given a Miranda waiver before an interview regarding assets, the detective will conduct a further criminal interview as necessary;

- (d) Attempt to promptly determine all lienholders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification;
- (e) The seizure of assets subject to forfeiture is a civil proceeding, filed through the county of origin, Office of the District Attorney Forfeiture Unit.

## **606.31 SEIZED PROPERTY**

Property seized subject to forfeiture will be inventoried and booked into Property. The seizing officer will check the property through the Automated Property System to determine if the property has been stolen.

The property will be booked as seized property, with the notation in the description that the property will be held for an Asset Forfeiture Form.

## **606.32 SEIZED CURRENCY**

Currency seized subject to forfeiture will be counted by the seizing officer and a field supervisor. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The officer counting, and field supervisor verifying, will initial and sign the money envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Currency seized will be booked into property as evidence. The Asset Forfeiture Detective and a Sergeant will count the currency and photocopy the currency. The photocopy will be booked into property as evidence and the currency will be given to the payroll clerk. The payroll clerk will take the money to Finance where it will be placed into the SCPD Asset Forfeiture Holding Account.

## **606.33 SEIZED VEHICLES**

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure, as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

## **606.4 ASSET FORFEITURE LOG**

A computerized inventory of all asset forfeiture cases shall be kept by the Investigation Section Commander. The inventory shall include the following:

- Case number;

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- Date of seizure;
- Value;
- Type of seizure (Federal or State);
- Status of the seizure.

Information maintained in the log will be provided to the Chief of Police or authorized Staff, as requested.

## 606.5 PROCEEDS FROM FORFEITURE

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

## Confidential Informants/Minor Decoy

### 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 Santa Cruz Police Department and the officers using informants, it shall be the policy of the Santa Cruz Police Department to take appropriate precautions by developing sound informant policies.

### 608.2 INFORMANT FILE SYSTEM

The Investigations Commander or his or 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 Investigations Section. These files shall be used in order 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.

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Access to the informant files shall be restricted to the Chief of Police, a Deputy Chief, the Investigations Commander, or their designees.

## 608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Investigations Commander. 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 minor informants under the age of 13 is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et. seq., the use of any minor 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 "minor informant" means any minor 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 minor'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 minor is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the minor.

## 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 Santa Cruz 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 Santa Cruz Police Department shall not 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 Santa Cruz 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 Investigations Commander;

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- (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 Investigations Commander. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. 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 Investigations Commander will discuss the above factors with the Deputy Chief of Operations and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police.

### 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.

### 608.53 PAYMENT PROCESS

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service as income.

## 608.6 MINOR DECOYS

### POLICY:

It is the policy of this department to establish procedures and standards relating to the recruitment, conduct and use of Minor Decoys involved in alcohol investigations conducted by the Santa Cruz Police Department.

### 608.61 PROCEDURE RECRUITMENT OF MINOR DECOYS

- (a) It is necessary for officers to recruit Minor Decoys for use in Shoulder Tap and Decoy programs. Often, Minor Decoys are recruited by officers through community groups

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or acquaintances. To maintain the integrity of the Shoulder Tap and Decoy Program it is important for Minor Decoys to be screened prior to their participation in the program.

- (b) Any minor wishing to volunteer their services as a Minor Decoy shall complete a Decoy Application and a Save Harmless and Indemnification Agreement.
- (c) The officer who receives the Decoy Application and Save Harmless and Indemnification Agreement will review them with the applicant and confirm the information contained on the application with the applicant. The officer will also confirm that the applicant understands the content of the Decoy Application and Save Harmless and Indemnification Agreement. The officer will sign the Decoy Application and Save Harmless and Indemnification Agreement after reviewing them with the applicant. The officer will witness the signature of the Decoy Application and Save Harmless and Indemnification Agreement by the applicant.
- (d) The Decoy applicant will be fingerprinted and will provide a copy of their DMV printout.
- (e) A file will be prepared after receipt of the signed Decoy Application and Save Harmless and Indemnification Agreement by the officer. The file will contain the Decoy Application, photo of the applicant, Save Harmless and Indemnification Agreement, DMV printout, and a local criminal history. This file will be stored in the Alcohol Enforcement Unit Supervisor's office.
- (f) The Lieutenant in charge of the Alcohol Enforcement Unit will review the Decoy Applicant file for approval. The following is a guide for the selection of volunteers for the Decoy Program.
  - 1. Review of Decoy Application File for suitability.
  - 2. All Decoy Program applicants must meet the requirements as set forth in § 141 of the California Code of Regulations.
  - 3. If the decoy applicant is approved by the Lieutenant the application must then be approved by an Investigator from ABC.

## **608.62 MINOR DECOY CONDUCT**

- (a) Minor Decoys will be working with officers in highly visible enforcement details. It is essential for the integrity of these details that a Minor Decoy's conduct in their personal life and in their volunteer duties be a credit to the Department. In this regard, Minor Decoys shall conduct themselves in a manner that does not reflect poorly upon the Department, the City, or Law Enforcement Profession. Minor Decoys shall report to the Supervisor of the Alcohol Enforcement Unit any Law Enforcement contacts they have had, whether or not enforcement action was taken.
- (b) While working as volunteers Minor Decoys may receive information regarding ongoing operations of the Department. Decoys shall not release information on operations of the Department which may in any way hinder the effective performance of the Department's operations.
- (c) If a Minor Decoy fails to adhere to the above requirements they shall be terminated from the Department's volunteer program.



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- (d) Minor Decoys will wear appropriate clothing while participating in the volunteer program. "Appropriate" as used above means modest clothing which is appropriate for a person of the Minor Decoy's age. Minor Decoys who wear inappropriate clothing will not be allowed to participate in the volunteer program.

## **608.63 USE OF MINOR DECOYS**

- (a) Prior to the use of a Minor Decoy, the steps outlined in the recruitment procedure will have been completed.
- (b) Prior to conducting a Minor Decoy Program or Shoulder Tap operation, a tactical plan will be completed and a briefing conducted. The tactical plan will conform to Departmental requirements. The briefing will be attended by those participating in operation and other appropriate personnel.
- (c) During an operation, the Minor Decoy's safety is paramount. If a hazardous situation is identified, the operation will cease until the hazard has been abated.
- (d) After every operation an OIC Report will be completed by the Case Officer or other designated officer. The OIC Report will be routed per Department policy.

## Expert Information Account

### 609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish accounting and control procedures for the expert information account.

### 609.2 POLICY

It is the policy of this Department to maintain stringent control over all expert information account monies by this agency, and to ensure that the funds are used only for authorized purposes.

### 609.3 DEFINITIONS

**Expert Information Account:** The Department's accounting and banking system that provides officers with investigative expense monies.

**Expert Information Account Custodian:** The employee(s) responsible for dispensing and monitoring the use of investigative funds by officers:

- (a) Deputy Chief of Administration
- (b) Investigation Section Commander

### 609.4 PROCEDURE

The expert information account custodian shall have the following responsibilities with respect to the department's expert information account:

- (a) Maintenance of the account in accordance with all appropriate laws and procedures.
- (b) Proper disbursements and deposits.
- (c) Bookkeeping and banking procedures.
- (d) Maintenance of file containing copies of all relevant account transaction documents.
- (e) Purging of the account records in accordance with state records retention provisions.
- (f) An annual audit of the expert information account shall be performed by an independent accounting authority from outside the department in order to evaluate the continued integrity of the fund, and the need for any additional controls.
- (g) The expert information account custodian shall make disbursements from the account only to authorized personnel for the following purposes:
  - 1. Payments made directly to confidential informants.
  - 2. Investigative funds for the purchase of illegal drugs, contraband and other criminal evidence.

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3. Purchases of food and beverages for a confidential informant, victim, or witness.
  4. Expenditures for authorized undercover operations/major case investigations.
  5. Flash and front money.
- (h) The expert information account custodian shall not be permitted to make disbursements from the account to himself/herself.
- (i) Expert information account transaction records shall be stored in a secured location (Investigation Section Commander's safe) and access shall be restricted in accordance with applicable laws, ordinances and departmental procedures.

## 609.5 WITHDRAWALS AND EXPENDITURES FROM ACCOUNT

- (a) All officers seeking to make a withdrawal from the account must first obtain approval from their immediate supervisor.
- (b) Prior to issuance of any money from the expert information account, the officer will complete and submit a request voucher to the account custodian for approval.
- (c) The expert information account custodian shall keep the original of the request voucher and return a copy back to the requesting officer as a receipt acknowledging that funds were requested and received by the officer.
- (d) Authorized officers needing money for an operation shall withdraw such funds at the convenience of the account custodian.

## 609.6 ACCOUNTING FOR EXPENDED FUNDS

- (a) All officers receiving expert information account monies shall complete a written expense report, accounting for all the monies withdrawn from the account, as soon as practical after the expenditure of the funds. This report may be written on the officer's copy of the request form in the space provided. If a lengthy explanation is necessary, additional pages can be attached. The report should include:
  1. A synopsis of what the money was spent on.
  2. Date, time and location of the expenditure.
  3. Copies of receipts, if applicable.
  4. Type of investigation.
  5. Case number, when applicable, or copies of the case.
- (b) Whenever possible for all funds expended, the officer issuing payment shall secure an appropriate receipt.
- (c) All unexpended money shall be returned to the expert information account custodian by the officer, as soon as practical, after the conclusion of the need. The account custodian will approve the completed voucher, sign the receipt of the money and deliver a copy of the voucher back to the officer.

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- (d) Each officer may maintain a personal file containing a record of all expert information account transactions and copies of all relevant receipts and department request vouchers.

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## **Chapter 8 – Support Services**

## 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, i.e. Welfare & 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 Watch Commander. Employees booking property shall observe the following guidelines:

- (a) Complete the Santa Cruz Property Report describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings;

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- (b) 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) 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;
- (e) When the property is too large to be placed in a locker, the item may be retained in the property room.

## **804.32 EXPLOSIVES**

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police department. All fireworks, railroad flares, or fuses that are considered safe will be booked into the outside storage area.

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.

## **804.4 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 Sheet.

A property number shall be obtained for each item or group of items. This number shall be recorded on Property Tag and the Property Sheet.

If, during the time the property is held by the Santa Cruz Police Department, the location of the property is changed, the change shall be noted in the Property Tracking System.

## **804.5 PROPERTY CONTROL**

Each time the property officer receives property or releases property to another person, he/she shall enter this information on the property sheet. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

## **804.51 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 the booking of property or evidence.

## **804.52 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 sheet and complete the request for laboratory analysis.

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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 Section once the case goes to be scanned.

## **804.53 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, 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 sheet, indicating date, time, and the person who returned the property when possible.

## **804.54 AUTHORITY TO RELEASE PROPERTY**

The Investigation Commander or his/her designee shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

## **804.55 RELEASE OF PROPERTY**

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Proof of ownership may be required.

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.

Found property and property held for safekeeping will be held for 60-90 days. Property personnel shall attempt to contact the rightful owner by telephone and/or mail. All attempts to contact the owner shall be recorded including the means and the date and time. Property not claimed within 90 days after notification will be auctioned or destroyed. Property personnel shall be responsible for the disposition of all unidentified, unclaimed and contraband property within six months after all legal requirements have been satisfied.

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 sheet, the sheet shall be forwarded to Records for filing with the case. If some items of property have not been released the property card will remain with the property bureau. Upon release, the proper entry shall be documented in the Property Log.



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## **804.56 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 (Code of Civil Procedure § 386(b)) to resolve the disputed claim.

## **804.57 CONTROL OF NARCOTICS & DANGEROUS DRUGS**

The Investigation Section Commander will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs, including paraphernalia coming into the custody of this department under Health & Safety Code § 11364.

## **804.6 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days 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 one hundred and twenty days, and for which no disposition has been received from a supervisor or detective.

## **804.61 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, bikes with altered serial numbers, 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).

## **804.7 PROPERTY PROHIBITED IN POLICE FACILITIES POLICY**

It is the policy of this Department that all personnel will keep, store, and use only property items required or needed to perform their official tasks in any police building or vehicle.

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## **804.71 PROCEDURE PROPERTY PROHIBITED IN POLICE FACILITIES**

The following listed items are prohibited in police department buildings or police vehicles unless booked as part of a case or stored as official property:

- (a) Alcoholic beverages in any form;
- (b) Photographs, drawings, pictures, or any representative of nude or scantily clad persons;
- (c) Lewd or obscene material;
- (d) All types of weapons and ammunition or explosives not authorized or issued;
- (e) Any volatile flammable material;
- (f) Any article or material that is illegal to possess;
- (g) Any racial, sexist, ethnic or religious material, designed, intended or likely to be offensive or insulting.

## 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 Santa Cruz 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 (i.e., the detachable magazine, contents of the tabular magazine, etc.) 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.

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## **808.23 PROPERTY 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 a CSI/Detective for restoration and maintain the chain of evidence.

## **808.24 DOCUMENTATION**

Police 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 from the Santa Cruz Police Department.

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 CSI/Detective, the property officer will complete a Bureau of Alcohol, Tobacco, and Firearms "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.

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## Release of Records & 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 reports and records in accordance with applicable law and the SCPD public records release procedure. (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). (NOTE: 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 as much as ten (10) days (Government Code § 6253(c)) and an additional fourteen (14) day extension may be authorized by the Records Supervisor (§ 6256.1);
- (b) The requesting party may be required to pay in advance any established fee for each record sought (Government Code § 6253(b));
- (c) This Department shall not be required to create records which do not otherwise exist in order to accommodate any request under the Public Records Act. However, if practicable, 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 POLICE 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. (NOTE:

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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.
  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 & Institutions Code § 15633) and **Juveniles** (Welfare & 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 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. (See: Evidence Code § 1043, et. seq.)

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## **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)).

This 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 non-disclosure (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 the Records Manager/Custodian of Records for review and processing. While an SDT 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 SDT 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 SDT shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

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## 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, Chapter 1, California Administrative Code. Other authority includes Penal Code § 11105, which delineates who has access to CORI, and Penal Code §§ 11140-11144, 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, DMV summary, Driver's License records, and any SCPD 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 DOJ list are not authorized recipients and shall not receive CORI.



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## **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 Section.
- (d) Personnel specifically designated in writing by the Deputy Chief with the concurrence of the Criminal Records Security Officer.

## **812.43 RELEASE OF CORI TO FIELD PERSONNEL**

Santa Cruz Police Department 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 this Police Department's 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 Santa Cruz Police Department after complying with all legal requirements.

## **812.7 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 depositing the CORI documents they receive in a shredder bin.

## **812.8 TRAINING PROGRAM**

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Training Sergeant. The Training Unit shall coordinate the course to provide training in the proper use, control, and dissemination of CORI including the SCPD "Security and Release of Criminal Offender Record Information (CORI) Procedure.

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## 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.

California Administrative Code § 702, Chapter 1, Title 11 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 Department Policy Manual § 340.37 (a).

Employees of the Santa Cruz Police Department who obtain, or attempt to obtain, information from the Police Department files other than that to which they are entitled in accordance with their official duties is a violation of § 340.37(a) of the Santa Cruz Police Department Policy Manual.

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## **Chapter 10 – Personnel**

## Absences/Time Off

### 1005.1 POLICY

It is the policy of this Department to set forth procedures and guidelines for time off requests, absences and injuries, and surrendering departmental equipment in cases of leaves of absence.

### 1005.2 PROCEDURE

#### **1005.21 TIME OFF REQUESTS**

The Department will strive to facilitate time off requests in a timely manner. It is necessary to balance employees' needs for time off with the mandate that the organization provide public safety services for the City of Santa Cruz. In order to do this it is required that time off requests be made sufficiently in advance so that proper consideration may be given to the needs of the employee, City and the Department.

- (a) All employees, permanent, part time, or temporary must put in writing their time requests.
- (b) Time off requests may be submitted up to one (1) year in advance of the date(s) requested.
- (c) Requests shall be for vacation, management vacation, holiday, floating holiday, compensatory time off, maternity leave, leave of absence, military leave, or family leave.
  - 1. Requests may be for any or a combination of all of the above.
- (d) Requests for forty hours or more should be made thirty days in advance of the requested time off.
  - 1. Reasons of legitimate exigency may be accepted by a supervisor in the event that thirty days notice does not occur.
- (e) Requests for more than eighty hours will require approval from the Deputy Chief of Police and should be made a minimum of sixty days in advance of the requested time off.

#### **1005.22 RESPONSIBILITIES**

- (a) The requesting employee is responsible for making the request in a timely manner and for knowing and requesting only that time which they have earned and may, therefore, take legally.
  - 1. It is the employee's responsibility to notify the Financial Services Unit/payroll/purchasing clerk of any changes or cancellations of a time off request that was previously submitted.

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- (b) The unit/detail supervisor is responsible for evaluation staffing levels and for insuring that sufficient staffing is available if the request is approved.
  - 1. Every effort should be made to avoid the use of overtime when granting leave.
  - 2. The supervisor must check the special events calendar, sergeants' calendar and the master schedule.
  - 3. The staffing available will be listed on the request form by the supervisor so it may be reviewed by the Team Commander.
  - 4. If approved, enter the information on the sergeants' calendar. If the date is for some time beyond the current four-week period, the Administrative Assistant will enter it on the appropriate four-week schedule.
  - 5. Sign the request form both as to approval and entry on the master schedule.
  - 6. The master schedule and the sergeant's calendar are the reference documents used to allocate personnel. They must be maintained in an accurate condition at all times.
- (c) The managers are responsible for reviewing the requests and insuring that sufficient staffing remains available.
  - 1. Management will strive to provide a maximum of seven (7) day turnaround on all time off requests.
  - 2. An exception may occur if a request is made prior to the master schedule being established.
- (d) The Payroll/Purchasing Clerk will log all time off requests on their calendar and be able to provide information to supervisors, managers and employees when it is requested.
  - 1. The Payroll/Purchasing Clerk will insure that approved time off is recorded onto the payroll sheet as required by City Payroll procedures. (This does not negate the employee or supervisor's responsibility to record it on the time sheet for the affected payroll period.)
  - 2. The time off request forms, once approved, will be maintained by the Payroll/Purchasing Clerk.

## **1005.23 ORGANIZATIONAL INTENT**

- (a) It is the intent of the organization to facilitate time off requests to the extent economically and operationally feasible.
- (b) Normally, overtime will not be authorized to replace an employee so they can obtain time off.
- (c) Exceptions may be made for good cause but will require approval of the Division Commander. Items to be considered are:
  - 1. Time of year.
  - 2. Special events.
  - 3. Negative impacts on remaining working employees.

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4. Budgetary restraints.
  5. Long term impacts on both the organization and the requesting employee.
- (d) Employees should strive to take the bulk of vacation or holiday time off during time other than mid-June through August due to the department's summer workload.
- (e) Time off requests will be considered in the order in which they are submitted. Seniority in rank will be a determining factor when time off requests are made by more than one person, submitted on the same day and requesting the same time off, or a large percentage of it.

## 1005.3 ABSENCES AND INJURIES

### 1005.31 NOTIFICATION OF ABSENCE

- (a) Any employee who is unable to report for duty as scheduled shall notify the appropriate Watch Commander/Section Commander. Notification shall be as far in advance as possible. A minimum of two hours is required. The reason for such absence shall be reported.
1. In the event the Watch Commander/Section Commander is not available to receive the call, the employee receiving the notification shall forward the information to the Watch Commander as soon as practical, with minimum of the following information.
    - (a) Name of absent employee.
    - (b) Time called.
    - (c) Reason for absence.
    - (d) Length of absence (if known).
    - (e) Location of employee.
    - (f) Telephone number where employee can be reached.
  2. The employee calling in ill shall leave a telephone number where he/she can be reached by their supervisor.
- (b) Availability of Employee.
1. Employees shall inform their respective Watch/Section Commander of their location during their respective (normal) duty hours while absent.
- (c) Checks on Absentees
1. Any employee should expect a personal visit or phone contact from a Department representative during their period of recuperation. Such contact shall be at the discretion of the appropriate supervisor, Watch Commander, Division Commander, or the Chief of Police. Priority shall be given to absences in conjunction with days off.
- (d) Procedure for returning to full duty from an off-duty injury or illness.
1. Absence of three (3) working days or less: If an employee is absent from work for a period of three consecutive working days or less, the following procedure will apply:

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- (a) Approval to return to work can be approved by the employee's immediate supervisor.
    - (b) Sick leave affidavit must be completed.
    - (c) If questions arise concerning the employee's health or ability to work, the employee may be referred to a physician for re-examination.
  2. Absences in excess of three (3) working days: For the benefit of the employee's health, and the health and welfare of those persons who will work with and depend on the returning employee, on absences in excess of three (3) consecutive working days the following will apply:
    - (a) The absence must be support by a completed sick leave form and a Medical release from employee's physician.
    - (b) If a question arises concerning the employee's health or ability to work, the employee may be referred to a physician for an examination.
- (e) Industrial Injuries or Illness.
  1. **All** injuries on duty and all work-incurred diseases shall be reported to the employee's immediate supervisor as soon as possible following the injury.
  2. If an injury or disease requires the attention of a physician, the supervisor receiving the injury report will direct the employee to a physician or medical center listed on the City's Medical Service order form.
    - (a) Exception: In the case of needed emergency attention, the supervisor will direct that the employee be transported to the nearest medical center.
    - (b) The employee, if able, or the employee's supervisor, shall advise the attending physician or medical center that the injury or disease is a Workers Compensation injury.
    - (c) If, however, an employee notifies the employer in writing prior to the date of injury that he/she has a personal physician, the employee shall have the right to be treated by that physician from the date of injury after emergency treatment, if necessary, has occurred.
  3. Completing the City of Santa Cruz Report of Personal Injury to City Employee and City of Santa Cruz Medical Service Order.
    - (a) The injured employee's supervisor shall complete the Medical Service Order form as soon after the injury as possible and in all cases prior to termination of the shift.
    - (b) The injured employee's supervisor shall complete the Employer's Report of Occupational Injury or Illness form as soon after the injury as possible and, in all cases, prior to termination of the shift.
  4. Completing the SCPD Physician's Statement
    - (a) In every industrial injury or illness situation, the SCPD Physician's statement must be completed by the attending physician.

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- (b) The SCPD Physician's Statement must be completed by the attending physician after any subsequent examinations that result in:
  - 1. A continuation of restricted duty status.
  - 2. A modification to restricted duty status.
  - 3. A continuation of limited duty status.
  - 4. A modification to limited duty status.
  - 5. Or whenever requested by the employee's supervisor.
- 5. Treating Physician
  - (a) It is necessary for an employee to be examined by the same physician or medical facility who made the first examination and diagnoses and treatment on the industrial injury or illness during the first 30 days subsequent to the injury or illness, unless the physician refers the employee to another medical facility or permission is received from the Worker's Compensation Administrator and/or the City Human Resources Department Benefits Coordinator.

## **1005.32 LIMITED DUTY STATUS**

- (a) Supervisor's Responsibility
  - 1. It shall be the responsibility of each Division Commander to make the most productive use of limited duty personnel under their command.
  - 2. Each Watch/Section Commander shall contact the Division Commander to ascertain information on the returning employee to see what duty limitations or restrictions have been imposed by his physician. If the physician's instructions are not clear, the Division Commander shall contact the physician and have him/her restate the medical work restrictions in concise written terms.
  - 3. The employee's proposed assignment shall be put in writing, including any limitations placed on their activities. After approval of the Division Commander, personally serve the employee with a copy of their assigned duties. Discuss the assignment with the employee to ensure there are no misunderstandings or that you are not asking them to perform a task that they feel they should not be doing because of risk of re-injury and/or delaying recuperation time. Have the employee sign the memo.
  - 4. Distribution/routing of memo:
    - (a) Copy to employee.
    - (b) Copy to Administration Division Commander.
    - (c) Copy to Operations Division Commander.
    - (d) Copy to the Chief of Police.
    - (e) Original to employee's police personnel file.
    - (f) Copy to Personnel Department.



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(b) Employee's Responsibility:

1. Inform their supervisor of any physical limitations that they may have prior to acceptance of assigned duties that they feel they are incapable of safely performing.
2. Any employee returning in a limited duty capacity shall be exempt from normal scheduling provisions and may be assigned to any unit/section within the Department that is in the best interest of the Department.
3. All employees working in a limited duty status shall dress in business-like attire. S.C.P.D. polo shirts are acceptable. No jeans or collarless shirts.

(c) Reporting Outside Employment

1. Department employees engaged in outside employment who are placed on disability leave, limited duty or restricted duty, will inform or remind their commanding officer of their outside work authorization in writing.

(d) Outside Employment while Disabled/Injured

1. The Chief of Police or a designee has final authority to determine when an employee's outside employment should be discontinued. When discontinued, a notice of revocation of the employee's work authorization shall be attached to the original work request form. The employee shall also receive a copy.
2. Criteria for revoking the outside work authorization includes, but is not limited to, the following elements:
  - (a) The outside work is detrimental to the total recovery of the disabled employee as indicated by the employee's treating physician and/or City designated physician.
  - (b) The outside work performed requires the same physical ability as would be required of an on-duty officer.
3. When the disabled member returns to duty, a written request to the Chief of Police shall be made to restore the outside work authorization.

(e) Returning to full duty from a Limited Duty Status.

1. Prior to an employee returning to full duty after being on a limited or restricted duty status, the employee must furnish the Department with a medical release signed by their physician that the employee is capable of returning to full duty status.
2. Routing of medical release form:
  - (a) Copy to Administration Division Commander.
  - (b) Copy to Operations Division Commander.
  - (c) Copy to the Chief of Police.
  - (d) Copy to city Personnel Department.
  - (e) Original to employee's police personnel file.

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## **1005.33 INABILITY TO REPORT FOR WORK**

- (a) Options available to sick and/or injured employees:
  - 1. Health and fitness is a condition of employment. It is the responsibility of the employee to maintain themselves in a healthy and fit condition.
  - 2. If feasible, the Department will attempt to put an injured or ill employee into a productive work slot for a reasonable period.
  - 3. If a productive work position is not available, or if there does not appear to be a likelihood that the employee will return to full duty status, a number of options are available;
    - (a) Use of accumulated sick leave.
    - (b) Long term disability.
    - (c) Worker's Compensation claim, if injury/illness was incurred during course and scope of employment.
    - (d) Retirement.
    - (e) Resignation.
    - (f) Dismissal.

## **1005.34 DISCIPLINARY ACTION**

- (a) Abuse of sick leave.
  - 1. Documentation of an abuse of sick leave may result in any one or combination of the following:
    - (a) Reprimand-oral or written.
    - (b) Suspension.
    - (c) Reduction in pay or rank.
    - (d) Dismissal.

## **1005.35 RECURRENCE OF PRIOR INDUSTRIAL INJURY**

No worker's compensation time will be allowed unless there is a physician's note. Example: Employee has an old back injury that was work-related and treated as a worker's compensation injury. Three months later, employee's back is hurting. Employee calls in to take time off. No worker's compensation time off can be approved unless the injury is verified by a physician as a continuation or re-injury of a previous worker's compensation injury.

## **1005.4 THE SURRENDER OF DEPARTMENTAL PROPERTY IN CASES OF LEAVES OF ABSENCE**

- (a) Leaves of Absence:
  - 1. When any departmental personnel are placed on administrative leave, leave of absence, medical leave of absence, worker's compensation, or any leave

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of absence due to disciplinary action, and the leave of absence is for more than one work week, they shall report to the Administrative Division Commander at the discretion of the Administrative Commander.

2. The involved personnel may be required to surrender their badge, identification card, and duty weapon. In any case involving the above-mentioned situations, it shall be the responsibility of the Administrative Deputy Chief to retrieve these items.
- (b) In all cases, the Division Commander of the affected personnel shall notify the Chief of Police by way of departmental memorandum of the circumstances of the action. Included in this memorandum should be:
1. Employee's name.
  2. Employee's present rank.
  3. Employee's present assignment.
  4. Projected length of leave.
  5. Reason for leave.
- (c) The Administrative Deputy Chief shall be responsible for the proper storage of the above property, and the return of the property to the employee when the employee returns to active duty.
- (d) The employee, while on this leave, shall not in any way act as a peace officer.

## Scheduling Personnel

### 1007.1 POLICY

It is the policy of this Department to ensure that sufficient personnel are scheduled for operational needs, to have personnel experience varied job assignments, to enhance effectiveness and to have fair and consistent scheduling procedures.

### 1007.2 PROCEDURE SCHEDULING PERSONNEL

#### (a) **Notice**

1. It shall be the policy of the Police Department to give a two-week advance notice of personnel assignment schedule changes when feasible.

### 1007.21 SCHEDULING PLANS

- (a) Police employees who work a 4 day/10 hour or a 5 day/9 hour schedule do so with the understanding that it is contingent upon the availability of sufficient personnel as determined by the Chief of Police.
- (b) If the Chief of Police determines that the department must change scheduling plans due to insufficient personnel or operational need, he will notify all affected personnel (refer to MOU.)
- (c) Personnel will be allowed to select their shift based on seniority as set forth by the Chief of Police. The schedule will be completed not less than 30 days nor more than 12 months prior to shift change.
- (d) Seniority Scheduling for Patrol Officers assigned to the Operations Division:
  1. Seniority is determined by the employee's last uninterrupted date of hire. For employees hired on the same date, seniority will be determined by the date of release from their field training program. Ties will be determined by a coin toss.
  2. Seniority scheduling would apply on a date of hire basis only to those officers assigned to Patrol.

### 1007.22 EXCEPTIONS

- (a) FTOs: FTO assignments will be made prior to the schedule being routed for sign ups. Assignments will be made on a seniority basis when possible, however, this selection may be overruled for the requirements and continuity of the FTO Program. The FTO Sergeant will determine FTO assignments by shift and days off.
- (b) Canine Program: Exempt
- (c) Neighborhood Enforcement Team: Exempt

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- (d) Downtown Unit: Exempt. Seniority for shift selection within the unit is determined by date of assignment to the unit. If all positions are not filled, assignments will be made starting with the least senior non-probationary officer.
- (e) Traffic Section: Exempt. Seniority for shift selection within the unit is determined by date of assignment to the unit. If all positions are not filled, assignments will be made starting with the least senior non-probationary officer.
- (f) Probationary Employee: Exempt
- (g) Exemption: Through the evaluation process, disciplinary action, medical reasons, or extenuating circumstances, an officer may be assigned or reassigned to a certain shift. Those officers assigned are exempt from this scheduling general order.
- (h) Leaves of Absence (medical, military, maternity, etc) A reasonable expectation must exist that the officer will be able to report for full duty at the start of a new shift. In the absence of a reasonable expectation, those officers will be exempt from this scheduling general order.

## **1007.23 SELECTING A SHIFT - OPERATIONS DIVISION**

- (a) The seniority list and draft schedule will be prepared by the scheduling Lieutenant at least 30 days prior to the beginning of the schedule.
- (b) Officers will be responsible for contacting the scheduling Lieutenant at predetermined times for shift sign up according to seniority by date of hire. The scheduling Lieutenant will post the contact times two weeks prior to the shift sign up. If an officer does not contact the Lieutenant at the scheduled time, they will be inserted into the seniority list where it stands at the time the officer calls and the Lieutenant is able to speak to the caller between appointments. The officer cannot insert himself on the list due to seniority and bump someone who has already signed up.
- (c) The completed draft schedule will then be returned to the Division Commander. If the draft schedule is returned without sign ups by officers, those officers who failed to sign up will be assigned as needed and deemed appropriate by management personnel.
- (d) Once the draft schedule is returned, additional assignments will be entered for the exempt list detailed above and the schedule posted 14 days prior to the implementation date.
- (e) Officers may sign up and work the same shift for two consecutive times, but will be required to select a different shift the next time. For purposes of this order, shift shall mean days, swing, or grave shifts.

## **1007.24 ROTATION/REASSIGNMENTS**

- (a) Employees covered by this order are expected to rotate among shifts and are subject to periodic reassignments (assignments to/as FTOs, Traffic, NET, DTU, Investigations, etc., are considered "at will" appointments.)

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- (b) These changes are a normal part of their work and are not disciplinary or subject to the grievance process even though employees may lose or gain eligibility for compensation (such as shift differential or other premium pays.)
- (c) Scheduling Operations Sergeants - 10/4 Plan:
  - 1. It is management's intent to modify sergeant's seniority scheduling when it is in the best interest of the organization at large. The Chief of Police will maintain this authority and responsibility.
  - 2. Seniority is determined within the rank (as opposed to the section), and impacts only those six patrol sergeant's assigned to one of the six patrol teams (i.e., A-I, II, III, or B-I, II, III). If two or more sergeants are promoted on the same day, seniority reverts to date of hire. A sergeant may work two of the same shifts in a row (i.e., I, II, or III) and must then change to a different shift. (Changing from A-Team to B-Team does not constitute changing shifts. The change must be from Shift I, II or III) Newly promoted sergeants are exempt from seniority scheduling until they work two of three shifts (i.e., I, II, III) not necessarily in that order. To accomplish this rotation, the Division Commander will/may modify/change shift scheduling as stated above until this training rotation is complete. A change from A-Team to B-Team (or vice versa) will require Operations Lieutenant's and Deputy Chief's approval.
  - 3. An assignment to a specific shift may occur for good cause, not necessarily discipline, to satisfy remedial training or operational needs.

## **1007.25 SCHEDULING OF INVESTIGATION SECTION PERSONNEL:**

- (a) All personnel are scheduled on a 9/5 Plan which alternates a 35-hour work week, with a 45-hour work week to equal 80-hour pay periods. Personnel generally work day shift with other hours as necessary and assigned.
- (b) Investigators are assigned, on a rotational basis, to "On Call" status for major crime investigations. While "On Call," the officer must be available after normal business hours, from Monday through Sunday.
  - 1. Civilian personnel working in Investigations and related units generally work day shift, normally a 5-day/40-hour work week.

## **1007.26 SCHEDULING OF NON SWORN EMPLOYEES**

- (a) Community Service Officers:
  - 1. CSO scheduling and assigned duties will be at the discretion of the Division Commander or their delegated manager.
  - 2. CSOs will be rotated through the different job assignments within this classification to broaden their expertise and enhance operational productivity.
  - 3. When appropriate, CSOs will be able to request team assignment, days and hours worked. When this is available, seniority will be one factor taken into consideration, but not the sole criteria.
  - 4. The scheduling Lieutenant will coordinate CSO scheduling.

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- (b) Operational needs shall take priority when scheduling.
  - 1. Police Records Supervisors, Payroll/Purchasing Clerk, Police Records Technicians, Administrative Assistant II and III, Property Attendants and all other non-sworn employees will be scheduled and assigned duties in order to conform with their job classification, their current MOU, and the operational needs of the department.

## **1007.27 MANAGEMENT PERSONNEL**

Management personnel are scheduled at the discretion of the Chief of Police in accordance with the current MOU and department needs. They will be assigned duties and scheduled in order to conform to the current Memorandum of Understanding for such classifications, and to meet the needs of the department.

## **1007.28 SCHEDULING PERIODS**

Personnel assignment schedules shall normally be for a four-month period. The Operations Division Administrative Assistant will type and distribute the schedule and ensure a current schedule is posted in the Patrol Sergeant's Office. The personnel assignment schedule will be updated periodically. The Scheduling Lieutenant will review the schedule to ensure assignments meet the needs of the department and the community to further our community policing efforts.

## HIV Testing Procedure

### 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 or 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 HIV TESTING

Any employee who desires that the individual be tested for HIV shall indicate such a request in the form DHS 8479.

### 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 (5) 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.



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Any individual ordered by the Chief Medical Officer to submit to HIV testing has three (3) 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.

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 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 HIV or AIDS shall receive confidential notification from the Chief Medical Officer.

## Peer Counseling

### 1009.1 PURPOSE AND SCOPE

To establish peer counselors within the Santa Cruz Police Department.

### 1009.2 POLICY

The Peer Counselors are intended to provide employees of the Santa Cruz Police Department with an in-house support network. Peer counselors will be available to assist any employee or family member.

### 1009.3 PEER COUNSELING

#### **1009.31 INDEPENDENT CONSULTANT**

- (a) The Police Department will contractually employ an independent consultant with appropriate credentials to oversee the operation of the Peer Counseling Program. The consultant will provide professional assistance/guidance to the Peer Counselors.
- (b) The independent consultant will report to the Administration Division Commander, for the purpose of:
  - 1. Recommending enhancements to the Peer Counselor Program.
  - 2. Recommending selections for Peer Counselor assignment.
  - 3. The independent consultant will not maintain any written reports of counseling sessions.
- (c) The independent consultant will provide training for the Peer Counselors at regularly scheduled meetings.
  - 1. These meetings will be mandatory for all Peer Counselors to attend.
  - 2. Any Peer Counselor who misses a meeting (unexcused) will be removed and replaced as a Peer Counselor.
  - 3. Each meeting will include a refresher on communication/counseling skills.
- (d) The independent consultant will be available as a resource for the Peer Counselors to use and for referral when appropriate.

#### **1009.32 PEER COUNSELORS**

- (a) Peer Counselors may be selected among Sergeants, Police Officers, Records Technicians, and Community Service Officers.
- (b) Selection will be by the following process:

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1. Call for letters of interest.
  2. Oral interview with a panel comprised of the independent consultant and Peer Counselors.
  3. Recommendations for Peer Counselor selection will be made by the Independent Consultant to the Administration Deputy Chief.
  4. Selection and assignment as a Peer Counselor will be made by the Chief of Police.
- (c) Prior to assuming any peer counseling responsibilities, prescribed training must first be completed as follows:
1. Familiarization with the City E.A.P. Plan;
  2. Critical Incident Debriefing;
  3. Substance Abuse Awareness/Counseling;
  4. Any other applicable training identified by the Independent Consultant and approved by the Administration Division Commander.
- (d) Peer Counselors may be removed from the program at the discretion of the Chief of Police at any time and for any reason.

## **1009.33 PROGRAM PHILOSOPHY**

- (a) The Peer Counselor Program is designed to serve as a stabilizing force available to any employee or their family for immediate peer counseling and support.
- (b) The Peer Counseling Program is not intended to replace any portion of the Employee Assistance Plan, nor professional counseling service. It is not necessary for an employee to speak with a Peer Counselor prior to utilizing the Employee Assistance Plan. Peer Counselors are simply another resource for employees to utilize should they choose to do so.
- (c) Peer Counselors may recommend critical incident diffusing or debriefing as appropriate.

## 1009.4 EXPECTATIONS

Peer Counselors will be expected to:

- (a) Approach and speak freely to any employee who may or may not be experiencing a problem which could conceivably adversely impact their work performance (personal or professional)
- (b) Assist any employee with a possible substance abuse problem by bringing resource information to their attention and, if possible, by making a referral.
- (c) Take and/or maintain no written information regarding any employee or their family.
- (d) Utilize the Independent Consultant as a resource for guidance, input and direction on any situation involving the delivery of peer counseling services to any employee or family member.

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- (e) Perform peer counseling responsibilities as much as possible during normal working time.

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## 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's assigned BBP Exposure Control Officer (ECO) shall:

- (a) Be responsible for 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).

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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.

## **1016.22 UNIVERSAL PRECAUTIONS**

All human blood and body fluids (i.e., 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:

- Disposable latex gloves (no less than two pairs). (Recommend keeping a box in the car.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Recommend keeping several alcohol hand wipes in the car.)

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift; replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

## **1016.24 IMMUNIZATIONS**

All police department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered immunization for Hepatitis B (HBV).

## **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.

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**

Each vehicle shall have one biohazard waste bag that will be disposed of either with the City's on-scene fire response vehicle or at the station immediately upon arrival or at the attending clinic/hospital with their approval.

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The waste bag holder located at the City's police 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 their 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 (i.e., injured skin, open wound, etc.) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

## **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 (i.e., 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 (i.e., tongs, or a broom and a dustpan) to clean up debris. If the material must be hand held, protective gloves must be worn.

## **1016.34 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 (i.e., disposable gloves), it shall be discarded in a biohazard waste container as described in § 1016.34.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be replaced.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported to the police department.

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## **1016.35 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT**

Contaminated non-disposable equipment (flashlight, gun, baton, clothing, portable radio, etc.) shall be placed into a biohazard waste bag and booked into property. Decontamination shall be done by an outside biohazard specialist.

## **1016.4 POST-EXPOSURE REPORTING & 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'S 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 report immediately following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor.

## **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; and
- (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 forwarded via the chain of command.

## **1016.43 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT**

Any employee who received exposure or suspected exposure 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."

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).



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The health care professional shall provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a HBV is indicated for the employee;
- If the employee received a HBV;
- Confirmation that the employee received the evaluation results; and
- 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.

## Smoking 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 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 contact with the public.

## 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.

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.

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## Off-Duty Employment

### 1040.1 POLICY

It is the policy of this department to delineate duties and responsibilities as they relate to your primary employment with the City of Santa Cruz.

### 1040.2 PROCEDURE

#### (a) Off Duty Employment

1. Acceptance of a full time paid position with the City of Santa Cruz is accompanied by the mutual concurrence that the employment is to be the member's primary job. If supplemental employment is sought, such is considered secondary in importance and subject to the approval of the City. It is clear from statutory law that the City of Santa Cruz may impose reasonable regulations and restrictions on outside employment. Outside or supplemental employment is subject to review by the City to determine if the member's efficiency and effectiveness would be impaired by such outside employment or the off-duty employment would be or the off-duty employment would be incompatible with the member's City employment. This General Order shall apply whether the outside employment is for compensation or is voluntary in nature (without compensation).

#### **1040.21 MEMORANDUM OF ADDITIONAL EMPLOYMENT**

(a) All employees shall submit to their Division Commander, prior to accepting additional employment, a written to/from memorandum addressing the following listed items of information concerning their contemplated outside employment:

1. Name, division, date of hire and current assignment of employee;
2. Date of memorandum;
3. Name and address of employer or business;
4. Statement/description of employment to be performed;
5. Location where employment will be performed;
6. Hours and days of employment per week;
7. A statement on whether the employment requires a license issued by a government agency and/or a request for endorsement by the Chief of Police;
8. Signature of employee submitted "Memorandum of Additional Employment".

The "Memorandum of Additional Employment", after being submitted to the Division Commander, will be reviewed and commented on with a recommendation to approve or

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disapprove the employment to the Office of the Chief of Police. The Chief of Police will make the final decision.

## **1040.22 AUTHORIZATION**

- (a) Upon application of a department member, the appointing authority may authorize outside employment or occupation within the following restrictions:
  - 1. The outside employment or occupation does not conflict with the member's city employment.
  - 2. The outside employment or occupation is not detrimental to the department or the city.
  
- (b) The outside work authorization is valid unless cancelled by the Chief of Police or appropriate authority. Members will reapply for outside work authorization when one or more of the following events occur:
  - 1. The time limit (if one was designated) has been reached.
  - 2. The type of work or employer has changed.
  - 3. The amount of hours worked has increased.
  - 4. When placed on limited duty, disability or administrative leave.
  - 5. When directed to do so by the Chief of Police or designee.
  
- (c) When authorization is granted, the employee may begin the outside work. If the request is denied, the denial may be appealed per the established grievance procedure.

## **1040.23 UNAUTHORIZED OUTSIDE WORK**

- (a) All members of the department are prohibited from working in any of the following outside employment situations:
  - 1. At any employment or business which would in any way reduce the effectiveness of the member in performing assigned departmental duties.
  - 2. For any employer or establishment whose major business is the serving of alcoholic beverages.
  - 3. As a process server, bill collector, investigator, or in any employment which police power might be used for private purposes of a civil nature.
  - 4. Any employment which may require the member to have access to police information files, records, or services as a condition for employment.
  - 5. Any employment which assists in any manner in the case preparation for the defense in any criminal action or proceeding.
  - 6. In police uniform in the performance of tasks other than those of a police nature.
  - 7. In any employment which has a connection with a tow or taxi service.

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## **1040.24 OUTSIDE WORK WHILE ON DISABILITY OR LEAVE**

Department members engaged in outside employment who are placed on disability leave, administrative leave, or modified duty will immediately inform their Division Commander, in writing, of their outside work authorization. The member's Division Commander will then review the duties of the outside work and recommend to the Chief of Police whether such outside employment should be continued. When the Chief of Police, or a designee, determines that the member's outside employment should be discontinued, a notice of revocation of the member's work authorization will be forwarded to the involved member and a copy attached to the original work authorization.

- (a) Criteria for revoking the outside work authorization includes, but is not limited to, the following elements:
  - 1. The outside work is medically detrimental to the total recovery of the disabled member as indicated by the City Medical Officer's professional judgment.
  - 2. The outside work performed requires substantially the same physical ability as would be required of an on-duty member.
- (b) When the member returns to duty, a request in writing may be made to the Chief of Police to restore the outside work authorization.

## **1040.25 REVOCATION OF OUTSIDE WORK AUTHORIZATION**

Department management has the right to support or deny outside work authorization applicants. With this right, department or city management will determine if the off-duty work is detrimental to, or in conflict with, city employment.

## **1040.26 OUTSIDE EMPLOYERS INVOLVED IN LABOR DISPUTES**

- (a) During periods of conflict between management and labor, work authorization allowing department members, including reserve officers and non-sworn personnel, to work for either party in the dispute may be suspended by the Chief of Police. If a department member is employed off-duty by an employer who becomes involved in a labor dispute, the member will immediately report this fact, in writing, to the Office of the Chief of Police.
- (b) During labor disputes, requests for police service will be received through the normal official channels.
- (c) It is the responsibility of the individual member to notify the outside employer of this procedure.

## **1040.27 TEMPORARY EXTRA WORK ASSIGNMENTS-SPECIAL DETAILS AND AUXILIARY SERVICES**

This General Order does not cover paid and departmental-approved extra detail work assignments that have been approved by the Operations Division Commander and work permits are not required.

## Uniform Specifications and Personal Appearance

### 1046.1 POLICY

It is the policy of this Department to establish a standard of uniform appearance for the safety of the officers and to project a positive, professional image of all personnel to the public.

Sworn members and designated non-sworn employees, unless specifically exempted, shall wear the specified uniform while on-duty. All on-duty members and employees in uniform or plainclothes will dress and be personally groomed in such a way that professionally represents the Department.

### 1046.2 SPECIFICATIONS

#### **1046.21 MAINTENANCE OF UNIFORM**

All sworn members and designated non-sworn members shall maintain a serviceable uniform regardless of their assignment.

- (a) Uniforms shall be kept neat, clean and pressed. Leather and metal-wear shall be polished.
- (b) Uniforms with holes, tears, or showing obvious signs of wear or repair will not be worn. All supervisors have the authority and duty to require compliance.
- (c) Uniforms will be purchased, replaced and cleaned by members in accordance with current MOU's between individual employee bargaining units and the City of Santa Cruz.

#### **1046.22 UNIFORM CLEANING (POA MEMBERS)**

The City, MPOA and POA agree unit employees will comply with departmental standards with regard to appearance and cleanliness. To this end, the City agrees to pay the cost of cleaning department authorized uniforms. For this purpose, the City has established an account at a dry cleaning establishment located within the City of Santa Cruz. For its part, the associations agree its members will:

- (a) Deliver and retrieve uniforms from the dry cleaning establishment; and
- (b) Shall do so during non-working hours; however
- (c) Under exceptional circumstances, subject to the approval of the Chief of Police or his representative, uniforms may be delivered or retrieved during working hours.

The City and the POA believe it is counter-productive, at this time, to establish minimum or maximum number of cleanings authorized by this section. It is understood, however, the

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Chief of Police and/or associations will monitor this program and advise the other party if any problems materialize.

## **1046.23 UNIFORM REPLACEMENT**

Pursuant to Memorandum of Understanding, the City agrees to provide replacements for worn out or damaged uniforms for employees, provided that uniforms are not damaged through gross negligence. Items covered by this program are:

- (a) Shirts;
- (b) Shoes;
- (c) Pants;
- (d) Jackets;
- (e) Hat;
- (f) Tie; and
- (g) Ballistics vest.

Uniforms replaced under this provision shall be replaced on an equivalent class basis, i.e., Class A pants will be exchanged for Class A pants.

These items are not to be used other than while working for the City or while traveling to and from work.

Uniforms to be surveyed for wear or damage shall be presented to the appropriate Section Lieutenant.

## **1046.24 REPLACEMENT PROCEDURE**

For each item to be replaced, a Replacement Slip will be prepared in duplicate and signed by a Deputy Chief and a Lieutenant. The Replacement Slip will be dated and is only valid for sixty days from date of issuance. If not used within that time, it will be null and void and officers will not be able to obtain replacement at City expense.

The original slip shall be given to the Purchasing Clerk, who shall issue an Authorization Form to the contracting uniform company for replacement of the listed item. Upon receipt of the replacement item, the officer shall sign the vendor's invoice slip acknowledging the item was received in proper order and quality.

All uniform items accepted for replacement shall become the property of the City of Santa Cruz.

It shall be the responsibility of each unit employee to arrange for purchasing, fitting, pickup, delivery, return, repair and control of uniform items. Overtime will not be authorized.

## **1046.25 UNIFORM ISSUANCE UPON HIRE (POA MEMBERS)**

Upon employment, the City will provide to POA members assigned to uniform duty, the following basic items:

- (a) Two pair of uniform pants;



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- (b) Two long sleeve shirts;
- (c) Three short sleeve shirts;
- (d) One tie and silver bar;
- (e) One issue rain gear;
- (f) One issue crowd control gear;
- (g) One pair safety shoes;
- (h) One duty jacket; and
- (i) Dress hat.

All items will meet specification of the "Uniform" General Order.

No socks, T-shirts or underwear will be provided. Optional uniform wear beyond the basic issue is not provided, unless required for "special assignment" (i.e., K-9, motors). Those employees in "Trainee" status and assigned to attend the basic police academy will be issued police academy uniforms as required for this training. No duty uniform will be issued until the completion of this training, unless required by the academy.

## **1046.26 UNIFORMS**

Members and employees assigned to a uniform function shall wear a full uniform, which shall include both a badge and a name tag, on the outermost garment, unless specifically exempted from doing so by their Division Commander.

Police Sergeants, Police Patrol Officers and Community Service Officers shall wear an authorized protective vest issued by the department at all times that they are working outside the police facility in uniform. A protective vest shall be optional for employees in plainclothes assignments or employees who work predominantly in an off-related assignment. (The Chief of Police may exempt an employee from this requirement upon proof of sufficient medical evidence that it would be detrimental to the health of the employee).

Only approved uniforms and equipment will be worn unless specifically authorized by the Chief of Police. Uniforms will be worn only while on-duty, or when traveling in uniform in order to report for duty or after securing from duty. During off-duty travel, a cover coat will be worn.

Police Reserve Officers shall receive the same uniform issuance, replacement and cleaning as regular officers.

## **1046.3 DETERMINATION OF UNIFORM CLASS OR ATTIRE**

It is the responsibility of all supervisors on a daily basis to ensure the grooming and dress standards are upheld. Sergeants shall be responsible for periodic daily inspections of all uniforms.

Division Commanders will designate the appropriate uniform class or attire to be worn by on-duty members and employees within their respective division.

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- (a) Supervisors may change the uniform class or attire for their shift or any special details occurring during their shift only with the approval of their Team Section Commander.

## **1046.31 COURT APPEARANCES**

Members and employees appearing in court representing the Department shall wear either their uniform, a business suit, or a sport coat and tie. Female employees will wear business suits, dresses, or slacks consistent with business attire. In some instances, plainclothes attire may be preferable for court. Supervisors shall have discretion giving direction on attire (i.e. suit or uniforms) for court appearances.

## **1046.32 UNIFORM CLASSES FOR SWORN MEMBERS.**

### **Class "A" Uniform:**

Dress hat, navy blue Ike jacket, navy blue long sleeve shirt, black tie, navy blue trousers, black dress shoes or boots, black or navy blue socks (white socks may be worn when they are not normally visible due to boot height), and white gloves.

- (a) Motorcycle officers shall wear approved motorcycle helmet, eye gear approved by the Department of Industrial Safety, navy blue wool riding breeches with gold and navy stripes, black riding boots and white gloves. A black bow tie is optional.

### **Class "B" Uniform:**

Navy blue long sleeve shirt, navy blue trousers, polished plain-toed black boots or shoes (either dress or leather athletic shoes) and navy blue or black socks (white socks may be worn when they are not normally visible due to boot height). A black tie, black turtleneck or black dickie may be worn at the Watch Commander's option, with emphasis on uniformity of appearance.

- (a) Optional items: Navy blue nylon jacket (heavy or lightweight), dress hat, cold weather knit hat, navy blue Ike jacket (only with black tie), and black leather gloves. The rank of sergeant and above may wear the approved navy blue V-Neck sweater (only with black tie).
- (b) Motorcycle officers shall wear the approved motorcycle helmet, eye gear approved by the Department of Industrial Safety, navy blue wool riding breeches with gold and navy stripes, black riding boots, black leather gloves, and 15 inch silver lanyard with chrome whistle. They may wear the approved leather jacket and/or black bow tie.

### **Exception to Class "B" Uniform:**

- (a) Canine officer may wear the approved navy blue BDU shirt, navy blue BDU trousers, and black boots. They may also wear the navy blue SCPD baseball cap.
- (b) Officers assigned to bicycle patrol may wear the approved black protective bicycle long pants ("Alitta" model 300). They may also wear eye-gear approved by the Department of industrial safety.

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## **Class “C” Uniform:**

Same as Class “B” uniform except that the navy blue short sleeve shirt will be worn (open collar with white or black crew-neck T-shirt).

## **Class “D” Uniform:**

Navy blue short sleeve shirt (open collar with white or black crew-neck T-shirt), blue short pants, plain white crew socks (mid-calf height), and black athletic shoes.

- (a) Optional items: Navy blue nylon jacket and black leather gloves. The navy blue SCPD baseball cap may only be worn with shorts, or during inclement weather. Approved black short pants may be worn while on bicycle patrol. Long pants must be available in case of reassignment.

## **Class “E” Uniform:**

Navy blue baseball cap, black crew-neck T-shirt, department issued black two-piece BDU's (pant legs bloused), black boots, and black leather protective gloves. This uniform is to be worn for crowd control and special assignments.

## **1046.33 RAIN GEAR/WINDBREAKERS**

### **Rain Gear:**

Black pants and coat per department specifications.

### **Windbreaker:**

Black nylon with the words “Santa Cruz Police” stenciled in white on the back and “Police” stenciled with white on the upper half of each sleeve. A badge with the wearer’s badge number will be stenciled in white on the left breast area and the wearer’s rank and last name will be stenciled in white on the right breast area. Windbreakers may only be worn when approved by the rank of Lieutenant or above.

### **Alternate Uniform:**

Personnel may wear the following uniform at their own expense when assigned to non-enforcement duties and with the approval of their watch commander (or Records Manager for Records section personnel):

- (a) Navy blue polo shirt with the City of Santa Cruz logo and the words “Police” embroidered under the logo, tan pants, black or brown belt, black or brown shoes and black, brown or blue socks. White socks may be worn when they are not normally visible due to boot height.

## **1046.4 UNIFORM CLASSES FOR NON-SWORN EMPLOYEES**

### **Property Attendants:**

Long sleeve or short sleeve Police polo shirt, black BDU pants, black basket weave belt, black shoes/boots.

### **Community Service Officer/Community Service Aide:**

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- (a) **Class “A” Uniform:** Dress hat, light blue long sleeve shirt, black tie, navy blue trousers (same specifications as officers), polished plain-toed black boots, dress shoes, and black or navy blue socks.
- (b) **Class “B” Uniform:** Light blue long sleeve shirt, navy blue trousers (same specifications as worn by sworn officers), polished plain-toed black boots, dress shoes, or leather athletic shoes, and black or navy blue socks (white socks may be worn when they are not normally visible due to boot height). A black tie, black turtleneck, or black dickie may be worn, at the Watch Commander’s option.
  - 1. Optional Items: Dark blue nylon-type jacket (heavy or lightweight), black leather gloves, knit hat.
- (c) **Class “C” Uniform:** Light blue short sleeve shirt (open collar with white crew-neck T-shirt), navy blue trousers (same specifications as worn by sworn officers), polished plain-toed black boots, dress shoes, or leather athletic shoes, and black or navy blue socks (white socks may be worn when they are not normally visible due to boot height).
  - 1. Optional Items: Dark blue nylon-type jacket (heavy or lightweight), black leather gloves.
- (d) **Class “D” Uniform:** Light blue short sleeve shirt (open collar with white crew-neck T-shirt), blue short pants, plain white crew socks (mid-calf height), and black athletic shoes.
  - 1. Optional Items: Dark blue jacket (heavy or lightweight), black leather gloves, and approved navy blue SCPD baseball cap.
- (e) **Rain Gear:** Yellow jacket with “Community Service Officer” stenciled on the back and the CSO’s name on the front in black letters. Black pants.
- (f) **Alternate Uniform:** Personnel may wear the following uniform at their own expense when assigned to non-enforcement duties and with the approval of their watch commander (or Records Manager for Records section personnel):
  - 1. Navy blue polo shirt with the City of Santa Cruz logo and the words “Police” embroidered under the logo, tan pants, black or brown belt, black or brown shoes and black, brown or blue socks. White socks may be worn when they are not normally visible due to boot height. The investigation Section Commander may designate alternate attire for special non-sworn assignments.

## 1046.5 PLAINCLOTHES ATTIRE

All personnel assigned to wear plainclothes on-duty, regardless of rank or division assignments, including, but not limited to personnel on “light duty” shall maintain a style of dress consistent with business attire and maintenance of a professional image.

- (a) Business suits may be worn.
- (b) Ties shall be worn when appropriate.
- (c) Skirt/dress hem shall be no more than two inches above the top of the kneecap.
- (d) Sport coat with slacks are encouraged attire.
- (e) Collared shirts and slacks shall be worn.

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- (f) Jeans will not be worn on-duty unless approved by the Division Commander.
- (g) Patches or slogans suggesting obscenity, nudity, racially or politically directed designs or alcohol or tobacco products, shall not be worn.

## **1046.51 POLICE EQUIPMENT**

Sworn members shall wear, at a minimum, their approved firearm, an extra magazine, their issued badge, handcuffs, and other issued equipment in accordance with Departmental General Orders and/or Divisional Directives. Equipment shall be worn or carried so that it cannot be seen.

- (a) Exceptions may be made by the Division Commander for those working in plainclothes with regard to attire, equipment, and appearance.

## 1046.6 PERSONAL APPEARANCE AND GROOMING

The personal appearance of all personnel shall be consistent with good taste and maintenance of a professional image.

### **1046.61 GROOMING**

- (a) **Hair:** Male sworn members and non-sworn employees:
  1. Hair shall be kept clean, neat and properly trimmed at all times.
  2. Hair may be worn over the ear extending to, but not below, the bottom of the outer ear opening. Hair will not extend below the top of the shirt collar.
  3. Hair will not be spiked or multicolored.
  4. Sworn members shall maintain their hair so that when a basic cap is worn, the hair does not detract from a neat, professional appearance.
- (b) **Hair:** Female sworn members and non-sworn employees:
  1. Hair shall be kept clean, neat and well-groomed at all times.
  2. Uniformed member's hair shall be pulled away from the face and hang no longer than the lower neck and shoulders if not in a pony tail or braid(s). If hair is worn in a pony tail or braid(s), hair may touch as low as the top of the shoulder blades. Hair shall be maintained so that when a basic cap is worn, the hair does not detract from a neat, professional appearance.
  3. Radical coloring or styles, rollers, curlers, etc., will not be worn.
  4. Hair will not be spiked or multi-colored.
- (c) **Facial Hair:**
  1. Members and employees shall be clean-shaven when reporting for duty.
  2. Beards will not be worn, except with specific approval from the employee's Division Commander.
  3. Mustaches may be worn; however, they shall be neatly trimmed. They will not extend below the corner of the mouth, nor three-fourths of an inch horizontally beyond the corner of the mouth.

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4. Sideburns shall be neatly trimmed. They will not extend below the bottom of the earlobe and will end with a clean-shaven horizontal line. Exaggerated flares will not be worn.

(d) **Make-up:**

1. Make-up may be worn by female employees but shall be of good taste and will not be of a type which detracts from a neat, professional appearance.

(e) **Accessories:**

1. Sunglasses may be worn during daylight hours; however, those with mirrored or reflective lenses or bright colored frames shall not be worn. Sunglasses shall not be worn inside buildings. Tethers or straps shall be navy blue or black.
2. Jewelry may be worn, but will not be of the type which could interfere with normal duties.

(f) **Uniformed Sworn Members and Non-sworn Employees**

1. Earrings: Females may wear post earrings, no more than two in each ear. Males may not wear earrings. Exceptions may be made in certain undercover assignments by the Division Commander. No other jewelry/body piercing is permitted.
2. Necklaces/Neck Chains: Officers may wear one necklace or neck chain as long as it hangs underneath the crew-neck T-shirt and is not exposed.
3. Rings: Officer may wear no more than one ring on each hand.
4. No bracelets except medical alert bracelets will be worn when in uniform.
5. The above items will be worn so as not to detract from the uniform. Further, the City of Santa Cruz will not be held responsible for their loss or damage.
6. Wrist or pocket watches: Officers are required to wear a watch.
7. Nothing, other than authorized insignia or items, will be worn on the uniform.

(g) **Plainclothes Employees:**

1. Earrings: No more than two earrings will be worn on each ear, with a maximum length of 1 ½ inches. Male officers may not wear earrings without prior authorization from their Division Commander.
2. Rings: No more than one ring will be worn on each hand. Female non-sworn employees may wear three rings per hand to complete their attire.
3. Necklaces/neck chains, bracelets, wristwatches, pin, scarf pins and tie pins: not distracting from attire.

## 1046.7 UNIFORM IDENTIFICATION, INSIGNIAS AND DESIGNATION OF RANK

(a) **Shoulder Patch-official emblem as issued.**

1. **Sworn Members:** sewn on both sleeves of all uniform shirts and jackets, ½ inch below the shoulder seam, centered on the crease.

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2. **Non-sworn uniformed employees:** sewn on both sleeves of all uniform shirts and jackets, below and abutting a royal blue rocker denoting title (Community Service Officer, Community Service Aide, and Property Attendant). The rocker shall be sewn ½ inch below the shoulder seam, centered on the crease.
- (b) Badge-official star as issued. Sworn members only.
1. **Uniform shirts/lke Jacket:** Silver Star for Sergeant and Officer; Gold Star for Chief, Deputy Chief and Lieutenant pinned onto outermost garment.
  2. **Nylon jacket and rain jacket:** Cloth or stenciled star affixed over left breast in place of the badge tab.
  3. The purchase of additional badges (Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant) must be authorized, in writing, by the Chief of Police.
- (c) Shield-official shield as issued. Non-sworn uniformed employees.
1. **Uniform shirts:** Silver shield pinned onto outermost garment.
  2. **Nylon jacket and rain jacket:** Cloth or stenciled star affixed over left breast in place of the badge tab.
- (d) Nameplate as issued. All uniformed employees.
1. **Uniform shirt/lke jacket:** Silver for Sergeant, Officer, C.S.O. and C.S.A.; Gold for Chief, deputy Chief and Lieutenant pinned to outermost garment, centered over right pocket with base of name tag directly above upper pocket seam.
  2. **Nylon jacket:** Cloth name tag in place of the metal name tag.
  3. The nameplate will bear the employee's first initial and last name. The middle initial is optional.
- (e) Award, Special Assignment, and Recognition Pins.
1. **Pins-Police uniform shirt:** A maximum of four pins may be worn. The placement of all pins shall be:
    - (a) **First Pin:** Worn on the right pocket flap centered and ¾ inch below the top seam. For those employees having the 1989 Meritorious Service Pin from the Earthquake, the placement shall remain on the right pocket flap centered and ¾ inch below the top seam.
    - (b) **Second Pin:** Worn above the right pocket, centered and 1 inch above the top seam. The recognition pin bearing the higher award will be worn above the pocket seam. The exception is the Meritorious Service Pin from the Earthquake.
    - (c) **Special Assignment Pin:** Worn above the right pocket, centered and 1 ½ inches above the top seam.
    - (d) **United States Flag Pin:** On the left pocket flap, centered and ½ inch below the top seam.
  2. **Pins-lke Jacket:** All recognition pins may be worn.

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- (a) **Recognition Pins:** Placement as stated above for the uniform shirt.
  - (b) **Second and subsequent pins:** Worn above the right pocket, centered and 1 inch above the top seam. Each successive pin will be placed ½ inch above the previous pin. The pin bearing the highest award shall be at the top.
  - (c) **Special Assignment Pin:** Worn above the right pocket, centered either 1 ½ inches above the top seam, or if recognition pin is in place, ½ inch above the recognition pin.
  - (d) **United States Flag Pin:** On the left pocket, centered and ½ inch below the seam.
3. **Service Stripes:** One stripe shall be worn for each five years of service with a law enforcement agency as a full-time Peace Officer, described by Penal Code §§ 830.1 or 830.2, upon successful completion of probation with SCPD.
- (a) **Ike Jacket:** Two inch by ¼ inch royal blue stripes with gold border, embroidered on black cloth, sewn on the front of the left sleeve at a 45-degree angle with the lower tip ¾ inch above the cuff and the upper tip of the black cloth along the shirt crease. Additional stripes shall be positioned ¼ inch (including gold border) above each other.
  - (b) **Long Sleeve Shirts:** Two inch by ¼ inch royal blue stripes with gold border, embroidered on black cloth, sewn on the front of the left sleeve at a 45-degree angle with the lower tip ¾ inch above the cuff and the upper tip of the black cloth along the shirt crease. Additional stripes shall be positioned ¼ inch (including gold border) above each other.
4. **Designation of Rank**
- (a) **Sergeant:** Chevron Stripes: Regulation blue with gold trim, black base. Three strip chevron, tip ½ inch from lower point of left arm patch, centered on crease; right arm matching.
  - (b) **Lieutenant:** Gold bar worn on shirt collars (cloth insignia on Class "E" uniform). On police jacket, on military strap, centered one inch from shoulder seam.
  - (c) **Deputy Chief:** Gold star worn on shirt collars (cloth insignia on Class "E" uniform). On police jacket, on military strap, centered one inch from shoulder seam.
  - (d) **Chief of Police:** Four (4) gold stars worn on shirt collars. On police jacket, on military strap, centered one inch from shoulder seam.

## 1046.8 LEATHERWEAR/UNIFORM SPECIFICATIONS AND REGULATIONS

All leatherwear worn with the uniform shall be polished black with a basket weave stamped design.

- (a) Metalwear, including snaps, belt buckles and key ring clips, shall be: Gold/brass for Chief, Deputy Chief and Lieutenant; Silver for Sergeant, Officer, C.S.O. and C.S.A.
- (b) Velcro leatherwear may be worn by sworn members.



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## **1046.81 UNIFORMED SWORN**

Uniformed sworn members shall wear the following items:

- (a) Dress belt.
- (b) Sam Browne belt (without shoulder strap).
- (c) Authorized holster.
- (d) Spare closed magazine case (single or double).
- (e) Handcuff case (a double handcuff case may be substituted or an additional single case may be worn).
- (f) Baton ring.
- (g) Belt loop device for portable radio.

## **1046.82 UNIFORMED COMMUNITY SERVICE OFFICERS**

Uniformed Community Service Officer employees shall wear the following items:

- (a) Dress belt.
- (b) Sam Browne belt (without shoulder strap).
- (c) Handcuff case (a double handcuff case may be substituted or an additional single case may be worn).
- (d) Baton ring.
- (e) Belt loop device for portable radio.

## **1046.83 OPTIONAL UNIFORM ITEMS**

Optional items for uniformed sworn and uniformed non-sworn employees:

- (a) Belt keepers.
- (b) Micro tape recorder case, for use with a pager, recorder or door opener.
- (c) Basket weave flashlight holder, full-size or miniature.
- (d) Basket weave knife (ammunition) case.
- (e) Key strap.

## **1046.84 PLAINCLOTHES SWORN MEMBERS**

Plainclothes sworn members shall carry the following items:

- (a) Authorized holster.
- (b) Spare magazine case.
- (c) Handcuff case.

## **1046.85 UNIFORMED NON-SWORN**

Uniformed non-sworn employees shall wear a black basket weave dress belt with a silver-colored buckle.

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## 1046.86 HOLSTERS

- (a) **Uniformed Duty Holster:** Must be leather or pressure molded plastic, black in color, stamped with basket weave design. The top of the holster must be no more than four inches below the bottom of the duty belt.
1. Holsters must be equipped with a safety strap which has a reinforced inside thumb break with a durable metal snap. Holster shall be constructed so that the weapon cannot be cocked while in the holster with the safety strap snapped. The holsters shall fit the weapon and fit snugly on the standard duty belt to prevent the holster from sliding back and forth while drawing the weapon. A tension screw on the back of the holster may be added to secure the holster to the belt.
  2. The holster shall be of one of the following designs:
    - (a) **High Ride:** Holster designed to ride on the wearer's hip.
    - (b) **Break-Front holster:** Holster designed to allow the weapon to be drawn through the front portion of the holster.
    - (c) **Top Draw holster:** Holster designed to allow the weapon to be drawn from the top of the holster. It may also have a mechanical device/spring retention device. It may be either high ride or swivel in design.
    - (d) The holster will be worn on the same side of the body as the primary (strong) shooting hand.
    - (e) **Clamshell type holsters are not permitted.**
- (b) **Plainclothes Duty Holster:** May be constructed of leather, pressure molded plastic, or nylon. May be black, brown, or tan in color and either plain or basket weave.
1. Holster must be equipped with a safety strap which has an inside thumb break and durable snap. Holster shall be constructed so that the weapon cannot be cocked while in the holster with the safety strap snapped and shall fit the weapon.
  2. The holster shall be one of the following designs:
    - (a) **Hip/pancake:** Holster designed to allow the weapon to be carried on a belt, close to the body and allows the weapon to be drawn from the top of the holster.
    - (b) **Shoulder Holster:** Holster designed to allow the weapon to be carried suspended under the arm opposite the gun hand.
    - (c) **Ankle Holster:** Holster designed to be worn on the ankle and secured to the ankle by strap (Velcro/buckle).
    - (d) **Fanny Packs:** Pack secured to the body with a strap and consisting of a completely enclosed area in which to secure the weapon.
    - (e) **Ankle holsters and fanny packs may only be worn upon written approval of a Section or Division Commander.**

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- (c) **Off-duty Holster:** Holsters include all of those specified above in addition to any holster using a mechanical or elastic retention device. Written approval is not necessary in order to carry any of the listed holsters.
- (d) **Performance requirements of the Duty Holster:** The holster must retain the weapon in the holster with the safety strap unsnapped while performing the following tasks:
1. Seated in a patrol vehicle.
  2. Entering/exiting a patrol vehicle.
  3. Mounting/dismounting a police motorcycle.
  4. Climbing over a six foot fence or other obstruction.
  5. Jumping to the ground from the top of a six foot fence.
  6. Bending over at the waist and touching the ground.
  7. Moving from a sitting position and diving to the ground, rolling side to side.
  8. Kneeling or squatting.
- The wearer must be able to withdraw the weapon while in a seated position in a vehicle without moving their upper body other than to grasp the weapon and be able to replace the weapon in the holster with one hand in one movement.
- (e) **Authorized Duty Holsters:** The following holsters are authorized for duty use:
1. Safariland Model 070
  2. Safariland Model 200 series
  3. Safariland Model 2
  4. Safariland Raptor 6070 and 6270
  5. Bianchi equivalent to the above.

All personnel wanting to carry a holster (on-duty) other than the department authorized holsters must have the holster tested and certified in writing by a Firearm Instructor. The holster must meet the criteria as outlined in this order. The certification will be forwarded to the Firearms Team Manager. The Firearms Team Manager will then submit a written recommendation, via the chain of command, to the Chief of Police. If the holster is approved, the general order will be revised to include the authorized holster. Only then may the holster be carried on-duty.

## 1046.87 SAFETY EQUIPMENT (BALLISTIC HELMETS)

- (a) Ballistic (Kevlar) helmets will be supplied to all sworn personnel. The intent of the ballistic helmet is to provide maximum safety to officers in the performance of their duties.
- (b) Employees shall wear the ballistic helmet while performing non-routine activities that indicate the need for maximum head protection.
- (c) A supervisor, the senior officer, or obvious need as seen by the responding officer on the scene shall make the decision to wear the ballistic helmet. Therefore, uniformed employees shall have their ballistic helmet readily available while on-duty.

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## 1046.88 UNIFORM SPECIFICATIONS-SWORN MEMBERS

(a) **SCPD Wool Baseball Cap**

1. Material: Wool.
2. Color: Navy Blue.
3. Style: Fitted Wool.
4. Insignia: "Santa Cruz Police" in embroidered white lettering on front.

(b) **Dress Hat**

1. Material: 16 oz. Serge or Elastique.
2. Color: Navy Blue.
3. Style: Police Round.
4. Grommet: One-quarter inch metal, black.
5. Vents: Closed, cloth (non-basket), with royal blue upper and lower border.
6. Visor: Black patent leather, approximately 45-degree angle.
7. Strap: Royal blue cord braid for Patrol Officer; silver metal band for Sergeant; gold metal band for lieutenant; gold stamped band for Deputy Chief and Chief of Police.
8. Buttons: Regulation police "P" buttons- Silver for Sergeant, Officer, C.S.O. and C.S.A.; Gold for Chief, Deputy Chief and Lieutenant.
9. Badge: Department issued hat piece.

(c) **Cold Weather Knit Hat:** Black with the word "Police" embroidered in white letters across the front and the wearer's badge number embroidered in white numbers on the back.

(d) **Gloves**

1. Material: Cotton.
2. Color: White.
3. Style: Form-fit, plain.

Or

1. Material: Leather and/or neoprene.
2. Color: Black.
3. Style: Form-fit, plain.

(e) **Jacket-Eisenhower**

1. Material: Serge or Elastique.
2. Color: Navy Blue.
3. Adjustment: Straps with two buttons at side seam.
4. Closing: Full zipper front.
5. Sleeves: Coat sleeves, full at a wrist.

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6. Lining: Black rayon.
7. Pockets: Two military flap jacket pockets on breast with vertical pleat.
8. Expansion: Vertical pleat from each shoulder seam to waistband in back.
9. Length: Sufficient length to cover gun belt at normal waist position.
10. Buttons: Police "P" buttons—Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant.
11. Lapels: Peak type.
12. Epaulets: Military shoulder straps.
13. Band: Single blue for officer and Sergeant; single gold band for Lieutenant; two gold bands for Deputy Chief; three gold bands for Chief.

(f) **Crowd Control Pants**

1. Material: Twill fabric, 65% polyester/35% combed cotton.
2. Color: Black.
3. Style: ProTuff BDU pants, Model# 101P or equivalent.

(g) **Crowd Control Shirt**

1. Material: Twill fabric; 65% polyester/35% combed cotton.
2. Color: Black.
3. Style: ProTuff BDU shirt, Model# 101S or equivalent.

(h) **Jacket-Nylon**

1. Material: Nylon.
2. Color: Navy Blue:
3. Manufacturer: Blauer, or equivalent.
4. Style: Short, all nylon coat. Style to fit body loose, with waist length body.
5. Pockets: Breast pockets with "P" buttons—Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant.
6. Sleeves: Each sleeve tab to have two navy blue buttons. Tab stitched down along length of tab, at top of tab only.
7. Collar: Navy blue, nylon.
8. Closure: Fly front to include #4 double zippers, no buttons.
9. Epaulets: Cross-stitched epaulets to be sewn down on shoulder. Cross-stitching to extend 2 ½ inches at shoulder seam. Size to be 2 5/8 inches at shoulder seam tapering to 2 1/8 inches. Length to be such as to extend under collar. Each epaulet to be buttoned down with one "P" button, regulation (Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant).
10. Badge: Cloth star affixed over left breast in place of the badge tab.
11. Nameplate: Cloth name tag affixed over the right breast pocket.

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(i) **Sweater (rank of Sergeant and above)**

1. Material: 30/70 Poly/Wool blend.
2. Color: Navy Blue.
3. Style: Fecheimer #00800 Command Sweater or Blauer Commando#210, heavy knit, v-neck sweater with epaulets and reinforced elbows.
4. Badge: Large cloth reinforced badge holder.

(j) **Motor Pants**

1. Material: Wool.
2. Color: Navy Blue.
3. Style: Riding breeches. The brand Sinatra meets the specifications.
4. Stripes: Gold and navy stripes, ½ inch in width, sewn on the outside seam of both legs.

(k) **Neckwear Clip on Necktie**

1. Material: One-ply Raeford Worsted Company's No. 900-1 or 900-13 in shade 561 or equal.
2. Color: Black with a dull finish.
3. Style: Double Windsor "Redi-Tied Knot" with a bend-over metal clip (E-Z clasp quality), providing a "breakaway" feature when worn. The clip shall be quality steel for durability and dependability.
4. Length: The tie shall be made available in two lengths:
  - (a) Regular: 16 inches from the bottom of the knot plus or minus ¼ inch;
  - (b) Long: 17 inches from bottom of knot, plus or minus ¼ inch.

The tie shall have no less than 2 ½ inch nor more than 2 ¾ inch width at approximately 1 ¼ inches above the bottom point. The tie shall be 2 inches wide at a point 5 inches below the bottom of the knot, plus or minus ½ inch.

(l) **Neckwear Bow Tie (Motor Officers)**

1. Material: Synthetic.
2. Color: Black.
3. Style: Traditional Motor Officer Bow-Tie.
4. Brand: Broome.

(m) **Tie Bar/Tie Tac**

1. For Sergeant and Officer: A plain silver bar, silver bar with SCPD Star, or SCPD Patch.
2. For Chief, Deputy Chief and Lieutenant: A plain gold bar, gold bar with SCPD Star, or SCPD Patch.
3. No other items are authorized.

(n) **Shirt—Short and Long Sleeve (Wool)**

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1. Material shall meet the following minimum standards:
  - (a) Weave: Tropical worsted.
  - (b) Weight: 10-10 ½ ounces on a 60 inch width.
  - (c) Fiber content: 100% wool.
  - (d) Wool Grade: Minimum of 64's virgin wool.
  - (e) Yarn ply: Two-ply in both warp and filling.
  - (f) Tensile Strength: 56 pounds in warp, 46 pounds in filling.
  - (g) Construction: 50 ends per inch, 46 picks per inch.
  - (h) Shade: The fabric shall be dyed to match the standard SCPD shade which is the same as Metcalf's shade #125 blue.
  - (i) Color Fastness shall be rated as good for the following:
    - Light fastness at 40 SFH;
    - Perspiration;
    - Dry Cleaning;
    - Wet and dry crocking.
  - (j) Manufacturers: Flying Cross, Jaguar and Elbeco, or equivalent.
2. Collar (Male-Long Sleeve)
  - (a) Military style with one button closure at the neck using a 5/8 inch button. Band shall be 1 ½ inches high in back and 1 inch in front, full-stitched with four horizontal stitch-lines ½ inch apart or diagonally quilt-stitched.
  - (b) Band shall be lined with good grade rayon of matching color and interlined with matching 5.00 sanforized interlining. Top collar shall be approximately 3 1/3 inches at the front point and 1 7/8 inches at the back with a 2.85 sanforized interlining. Collar spread at closure shall be ¾ inch to provide for the metal clip "breakaway" necktie.
  - (c) Collar points may either be slotted and sewn on the underside to accommodate celluloid collar tabs ¼ inch wide and 2 ¼ inches long, or "Perma-Stay" flexible type tabs permanently anchored inside the collar may be used.
3. Collar (Male-Short Sleeve)
  - (a) Shall be semi-dress convertible sport type consisting of three pieces: collar top, interlining and facing. It shall be sewn to the yoke and shall curve over the shoulders. Points shall measure 1 5/8 inches at the center of the back and shall completely cover the seam hinging the yoke and collar; shall be interlined with black Pellon. The collar shall be ¼ inch edge double-stitched all around.
  - (b) There shall be two 2 ¼ inch bi-angle inset tab pockets under the collar to provide for the celluloid stays. Stays shall measure 2 ¼ inches long and ¼ inch wide. "Perma-Stay" flexible type tabs permanently anchored inside the collar may be used.

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4. Collar (Female-Short and Long Sleeve)
  - (a) Shall conform to the same minimum standards and general specifications as the male summer collar in this section, with the exception that the female collar shall be a one-piece convertible collar on both long and short sleeve shirts, to measure 3 inches at all points.
5. Body (Male-Short and Long Sleeve)
  - (a) Form fitting with a straight yoke 3 inches deep extending up to the collar and well over the shoulder. The yoke may be less than 3 inches deep when required to ensure a proper fit. Front shall have not less than 1 5/8 inch nor more than 1 3/4 inch box pleat with self-facing and six 5/8 inch buttons and corresponding vertical buttonholes. Shall be open-front style. All seams shall not be less than 1/4 inch nor more than 3/8 inch double stitched.
6. Body (Female-Short and Long Sleeve)
  - (a) Shall conform to the same minimum standards and general specifications as the male shirt in this section, with the exception that the body of the female shirt will be form-fitting with a straight yoke approximately 2 inches deep, extending up to the collar and well over the shoulder.
  - (b) Front shall button right side over left side with six buttons spaced 3 1/2 inches apart. Second button to be positioned 2 1/2 inches from top (neck) button.
  - (c) The shirt shall have maximum waist suppression with normal dart construction providing proper conformation to the wearer's bust and waist contour. The darts shall not be seams, but shall be tucked, pressed, and sewn so that the waist may be expanded or contracted to fit the wearer. The length of the darts shall be variable to size; however, the darts at the waist shall extend vertically above and below the natural waist.
7. Pockets (Males-Short and Long Sleeve)
  - (a) Two breast patch pockets shall be 6 inches deep and 5 3/8 inches wide at the top and bottom. Each pocket shall have a 3-point flap 5 1/2 inches wide, 2 3/4 inches at the points, and 2 1/4 inches at the curves.
  - (b) A vertical imitation style buttonhole (Slightly cut through to allow Department button to be toggled) shall be located on the center point line of each flap. A size 1/0 black oxidized square Prym Auto Matic snap (Amity Notion) shall replace Velcro on the outside points of each pocket flap. The male portion of the snap shall be sewn to the pocket while the female portion will be sewn to a corresponding position on the flap point. The snaps shall be located as near to the point end as possible, but not visible from the side.
  - (c) The bottom corners of the pockets shall be rounded, double-stitched on the bottom and two sides with a 1/2 inch hem across the top. A pencil pocket with a 1 inch opening through the flap shall be made on the right side of the left pocket. The pockets shall be 1 3/4 inches from



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the center of the top center. There shall be no eyelet or button on the pocket.

8. Pockets (Females-Short and Long Sleeve)
  - (a) Shall conform to standards and general specifications as the male shirt pockets in this section, with the exception that the female shirt pockets shall measure 4  $\frac{7}{8}$  inches wide and 5 inches deep. Flaps shall measure 5  $\frac{1}{4}$  inches across and 2  $\frac{1}{4}$  inches in depth at the center point, and 1  $\frac{3}{4}$  inches at sides, secured to front of shirt pocket approximately  $\frac{1}{2}$  inch above pocket. Each pocket shall have Velcro tape 1 inch long by  $\frac{3}{8}$  inch wide positioned on both edges of each pocket to correspond with outer scalloped flap points.
9. Epaulets (Short and Long Sleeve)
  - (a) Cloth extending from the sleeve seam to within  $\frac{3}{8}$  inch of the seam joining yoke and neck band and shall lie flat upon the shoulder. The forward edge shall overlap  $\frac{1}{4}$  inch parallel to the top shoulder seam of the yoke. The strap shall measure 2 inches wide at the sleeve seam and 1  $\frac{1}{2}$  inches at the top which shall come to a point measuring  $\frac{1}{2}$  inch at the center. An imitation style buttonhole perpendicular to the collar shall be centered in the open end of the strap with the end of the buttonhole nearest the collar measuring  $\frac{1}{2}$  inch from the extreme edge of the point of the shoulder strap.
  - (b) A 3  $\frac{1}{16}$  inch elongated eyelet shall be located in the yoke directly beneath the opening "I" in the strap to facilitate the toggling of the Department button. The strap shall be stitched to the shoulder seam with two rows of stitching and shall be stayed across 2  $\frac{1}{4}$  inches above the shoulder seam and cross-stitched. The entire length of the strap shall be sewn to the shirt by stitching over the  $\frac{1}{4}$  inch edge stitch line.
10. Buttons (Short and Long Sleeve)
  - (a) All buttons shall be of 24 ligne best quality plastic to match the color of the shirt.
11. Badge Holder (Short and Long Sleeve)
  - (a) Shall be made of cloth 2  $\frac{1}{2}$  inches long and 1 inch wide centered above the left pocket flap. It shall be equipped with two black rustproof metal eyelet's center spaced 2 inches with the top eyelet center located 3  $\frac{1}{4}$  inches above the top of the pocket flap. No part of the holder shall show from behind the badge.
12. Long Sleeves
  - (a) Shall have reinforced elbows made by extending the plackets 11  $\frac{1}{4}$  inches from the cuffs and widening to 6  $\frac{3}{4}$  inches at the elbow extending down the inseam a minimum of 5  $\frac{1}{2}$  inches. The placket vent shall be double-stitched all around. These measurements based on size 15 x 34. All other shirt sizes shall have proportionate measurements.

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13. Cuffs (Long Sleeve)
    - (a) Shall be 2 ½ inches wide and square with two buttons and buttonholes evenly spaced. Shall be double-stitched all around with not less than 15 stitches to the inch using double O thread of best quality. Cuff's shall be interlined with 5.00 sanforized, matching interlining.
  14. Short Sleeve (Male)
    - (a) The length of the sleeves shall extend to within approximately ½ inch above the inside of the forearm and in no event touch the forearm when it is bent at a 90-degree vertical angle. The sleeves shall be finished with a turned up hem single-stitched ¾ inch from the bottom. The center line of the sleeve shall be sewn to square off the bottom of the sleeve which shall be tailored proportionately to the wearer's arm.
  15. Short Sleeve (Female)
    - (a) Length of sleeves shall finish approximately 8 inches from the shoulder seam.
- (o) **Shirt-Short Sleeve and Long Sleeve (Permapress)**
1. Material shall meet the following minimum standards:
    - (a) Weave: Tropical.
    - (b) Fiber Content: All synthetic tropical weave 65% Dacron Polyester/35% Avril Rayon.
    - (c) Yarn Size: All yarns size 10/1 singles or better.
    - (d) Tensile Strength: 100 lbs in warp; 70 lbs. in filling.
    - (e) Construction: 50 warp x 40 filling yarns per square inch.
    - (f) Air Permeability: 131 ASTM D 737-46 (Air flow per cu ft. per sq.ft. min.)-typical.
    - (g) Shade: The fabric shall be dyed to match the standard Santa Cruz Police Department alternate shirt shade which is the same as Metcalf's shade no. 125-blue.
    - (h) Color Fastness shall be rated as good for the following:
      - Light fastness at 40 SFH
      - Perspiration
      - Dry cleaning or laundering
      - Wet and dry crocking
      - Gas fading
      - Ozone fading
    - (i) Weight: 10-1-1/2 ounces on a 60 inch width.
    - (j) Manufacturers: Flying Cross, Jaguar, Elbeco, or equivalent.
  2. Collar and Band

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- (a) Military-style with one button closure at neck. Collar points to measure approximately 3 ¼ inches long with sewn-in Mylar stays. Collar height at rear 1 ½ inches. Top-stitched ¼ inch off the edge. Collar stand to measure 1 5/16 inches at rear and band to be die cut and interlined with stabilized Mell-Press (#285 in collar, #500 in band), or equivalent.
- 3. Body (Male-Short and Long Sleeve):
  - (a) Form-fitting, plain front coat-style, collar attached. Two scalloped flapped plain breast pockets. Straight yoke 4 inches deep extending up to the collar and over the shoulder. Shall be open front style.
  - (b) Long sleeve model: left front to have 1 ½ inches selvage edge rever held in position by 7 buttonholes; right front to have 1 inch hemmed self-button piece along front edge with 7 buttons to correspond with front buttonholes.
  - (c) Short sleeve model: front to have 3 inches width facing extending from neckline to bottom of shirt provided by a turn under of material.
  - (d) Single needle stitching throughout except sleeve inserting and side closing felling seams, which are to be safety-stitched. All topstitching ¼ inch from edge. All sewing threads to be cotton wrapped filament Dacron/Polyester to match.
- 4. Body (Female-Short and Long Sleeve)
  - (a) Shall be the same as the specifications for the short and long sleeve wool shirt.
- 5. Pockets and Flaps (Male-Short and Long Sleeve).
  - (a) Two plain rounded corner breast pockets. Pocket to measure 5 7/8 inches wide, 6 inches deep. Left breast pocket to have 1 ¼ inches pencil stitch.
  - (b) Each pocket to have Velcro tape 1 inch long by 3/8 inch wide, positioned on both edges of pocket to correspond with outer scalloped design to measure 5 7/8 inches across and 2 ¾ inches in depth at points, 2 ¼ inches at curves and secured to shirt front approximately ¼ inches above pocket.
  - (c) Left flap to have invisible pencil opening 1 ¼ inches to correspond precisely with pencil slot of pocket.
  - (d) Both flaps to be interlined with #500 stabilized Mello-Press or equivalent. Underside of the flap to have Velcro tape 1 inch long by 3/8 inch wide, positioned on outer points of both pocket flaps as sample. Flaps to be topstitched ¼ inch from edge.
- 6. Pockets and Flaps (Female-Short and Long Sleeve)
  - (a) Shall be the same as the specifications for the short and long sleeve wool shirt.

# SANTA CRUZ POLICE DEPARTMENT

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7. Epaulets (Male-Short and Long Sleeve)
    - (a) Style and dimensions as sample. Asymmetrical shape topstitched  $\frac{1}{4}$  inch off the edge to be set on yoke with leading topstitch conforming with front joining seam. To measure 2  $\frac{1}{8}$  inches at sleeve tapering to approximately 1  $\frac{7}{8}$  inches and set not more than  $\frac{1}{2}$  inches from folded collar. Cross-stitched approximately 2 inches from the sleeve seam. The entire length of the epaulet shall be sewn to the shirt by stitching over the  $\frac{1}{4}$  inch edge stitching.
  8. Epaulets (Female-Short and Long Sleeve)
    - (a) Shall measure 2 inches at sleeve head, tapering to 1  $\frac{3}{8}$  inches.
  9. Buttons (Short and Long Sleeve)
    - (a) Buttons shall be of 24 ligne melamine to match the color of the shirt.
  10. Badge Reinforcement (Short and Long Sleeve)
    - (a) Shall be self-cloth, two-ply sling, 1  $\frac{1}{8}$  inches wide centered over left pocket and stitched to shoulder seam and flap setting stitch. To have two rustproof buttonhole eyelets; top eyelet centered approximately 3  $\frac{1}{2}$  inches from top of pocket flap, spaced 2 inches apart and centered on sling.
  11. Sleeves and Cuffs (Long Sleeve)
    - (a) Long sleeves are to be cut straight and whole, with 5  $\frac{1}{2}$  inch sleeve vent. Shall have top and bottom sleeve facing with block point. Top facing to measure 1 inch in width. Cuff to measure 2  $\frac{3}{4}$  inches with rounded corners.
  12. Short Sleeve (Male)
    - (a) Sleeves are to be cut straight and whole, to have  $\frac{1}{2}$  inch hem and finish approximately 9  $\frac{1}{2}$  inches long from shoulder seam.
    - (b) Convertible sport collar shall be one piece and to measure approximately 3  $\frac{1}{4}$  inches only at points. The collar to be made with permanent collar stays. Interlined with stabilized Mello-Press #285 or equivalent. Topstitched  $\frac{1}{4}$  inch off the edge.
  13. Military Creases
    - (a) Seven baked-in sharp military creases on all shirts. One crease on each front to be centered vertically through pocket and flap.
    - (b) Spacing for military creases on shirt back to be proportionate to the size of the shirt as follows:

Sizes 14 through 15  $\frac{1}{2}$ , creases to be 4  $\frac{3}{4}$  inches apart;

Sizes 16 through 18 inclusive, creases to be 5  $\frac{3}{8}$  inches apart as measured from the center crease. Military creases on both sleeves to be centered on the middle of the shoulder strap.
- (p) **Shoes and Boots**
1. Color: Black shoes or boots; black athletic shoes.

# SANTA CRUZ POLICE DEPARTMENT

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2. Style: Plain or capped tow (no engraved design). Only round-toed, narrow-necked boots allowed, with heel height not to exceed one and one-half inches.
3. Athletic shoes without engraving or colored design. The top may not be higher than the ankle. When worn with Class B or C uniform, athletic shoes must be polishable leather.
4. Height: Optional for black shoes or boots.

(q) **Short Pants**

1. Color: Ink Blue.
2. Style: Athletic shorts.
3. Brand: Sportif USA#670170.
4. Material: Polyester/Cotton Spandex.
5. Length: No modifications may be made to the length.

(r) **Socks**

1. Material: Optional.
2. Color: Navy blue or black (white with short pants).

(s) **Trousers (Wool)**

Material shall meet the following minimum standards:

1. Weave: Serge or Elastique.
2. Weight: 16-16 ½ ounces on a 60 inch width.
3. Fiber Content: 100% Wool.
4. Wool Grade: Minimum of 64's picks per inch.
5. Yarn Ply: Two-ply in both warp and filling.
6. Strength: 126 pounds in warp, 100 in filling.
7. Construction: 68 ends per inch, 64 picks per inch.
8. Shade: The fabric shall be dyed to match the standard Santa Cruz Police Department shade which is the same as Metcalf's shade no. 386-16 Blue. Stock dye or piece dye shall be permitted.
9. Color Fastness shall be rated as good for the following:  
Light fastness at 40 SFH  
Perspiration  
Dry Cleaning  
Wet and dry crocking
10. Durable Press: The fabric may be treated with a durable press, "coin-op" dry leaning finish. It shall not be permanently creased.
11. Manufacturers: Horace Small, Fecheimer or equivalent.

# SANTA CRUZ POLICE DEPARTMENT

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12. **Style and Construction:** Shall be the slacks type. Rise shall be of sufficient length to allow the bottom of the waistband to ride above the hip bones. Waistband shall be cut in two separate pieces, 2 inches wide, made in the closed method, and lines to match the pocketing.

A rubberized waistband 1 inch wide, shall be sewn to the inside of the trouser waistband. It shall be resistant to dry cleaning and laundering agents, light, perspiration and weather.

Trousers shall have an inner seat lining of black shade. Seat area shall be fully lined, not less than 7 inches downward and around the crotch area. Seams shall be sewn with polyester core thread and inside seams shall be overcast.

13. **Legs:** Shall hang to a point to less than 1 inch nor more than 2 inches from the top of the heel in back, and hollowed in front to allow the bottoms of the trouser to rest on the shoes without a break. Leg bottoms shall be plain with a minimum 2 inch turn up, 17 inches wide, size 33, and a 20 inch knee (graded according to size). Leg bottoms shall have self-cloth stays at the front and back.

14. **Pockets:** Both male and female police officer trousers shall be constructed with one watch, two hip, two club, and two side pockets. Hip pockets shall be 6 inches wide and 7 ½ inches deep, finished with approximately a 1/8 inch double cord edge with a 1 ½ inch facing on the back and a ¾ inch finish on the front; facings shall be self-cloth. A club pocket 3 ½ inches wide and 8 inches deep shall be placed 5 ¼ inches below each hip pocket; same finishing as hip pockets. The front edge of the club pockets shall be ¾ inch from the side seams of the trousers.

Side pockets shall have an opening not less than 6 ½ inches and shall be 4 inches deep measuring from the bottom of the pocket opening to the bottom of the pocket. Side pockets shall have a ¼ inch welt edge. Facing of self-cloth shall measure 1 ½ inches top to bottom finished. All pockets shall be made with Indo-Carbon dye, prototype no. 126, and shall be double lock stitched at the bottom. A watch pocket, 3 inches wide and 4 inches deep, shall be placed on the right side of the trousers. All pockets shall be securely stayed and reinforced with heavy bar tacking in triangular shape.

Note: Police Officers have the option of sewing closed the side trouser pockets to prevent a "gaping open" effect.

15. **Belt Loops:** Shall have seven (7) stitched-through belt loops ¾ inch wide, to allow a belt 1 ¾ inches wide to pass through.

One loop, center back, shall be dropped and stitched ½ inch below the waistband. The remaining six (6) loops shall extend over the top of the waistband and stitched into the waistband lining. Loops shall be proportionately spaced from the center back to the front.

(t) **Trousers (Wash and Wear)**

Material shall meet the following minimum standards:

1. Weave: Serge or Elastique.
2. Fiber Content: All synthetic weave 65% Dacron Polyester/35% Avril Rayon.

# SANTA CRUZ POLICE DEPARTMENT

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3. Shade: The fabric shall be dyed to match the Santa Cruz Police Department alternate shirt shade which is the same as Metcalf's shade no 125-Blue.
4. Color Fastness should be rated good for the following:
  - (a) Light fastness at 40 SFH.
  - (b) Dry cleaning or laundering.
  - (c) Wet and dry crocking.
  - (d) Gas and Ozone fading
5. Manufacturers: Horace Small, Fecheimer or equivalent.
6. Style and Construction: Shall be the same as the specifications for the wool trousers.
7. Legs (Male Trousers): Shall be the same as the specifications for the wool trousers.
8. Legs (Female Trousers): Shall be the same as the specifications for the wool trousers.
9. Pockets: Shall be the same as the specifications for the wool trousers.
10. Belt Loops: Shall be the same as the specifications for the wool trousers.

(u) **Optional Bicycle Patrol Long Trousers**

1. Color: Black.
2. Style: Bicycle patrol trousers.
3. Brand: Alitta by Fecheimer (A310BK or A410BK) or equivalent.
4. Material: 3 ply supplex nylon.
5. Length: Long with zippers at ankles and Velcro straps at ankles to prevent chain rub.

Note: Pants will only be issued to personnel assigned to permanent year-round bike patrol (i.e. downtown).

(v) **Turtleneck/Dickie**

1. Material: Tight weave with half fold collar.
2. Color: Black.
3. Style: Long or short sleeved, cuffs not exposed from shirt sleeve.

Dickies are optional, if they meet these specifications.

(w) **Undershirts**

1. Material: Various.
2. Color: White or Black.
3. Style: Crewneck.

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# SANTA CRUZ POLICE DEPARTMENT

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(a) **Property Attendants:**

4. Jacket:
  - (a) Material: Nylon.
  - (b) Color: Navy Blue.
  - (c) Manufacturer: Blauer, or equivalent.
  - (d) Style: Long Sleeve.
5. Shirt-Short Sleeve/Long Sleeve:
  - (a) Material: Wash and Wear.
  - (b) Color: Blue.
  - (c) Style: Polo shirt with City logo and "Police" on left breast.
6. Shoes and Boots:
  - (a) Color: Black.
  - (b) Style: Plain or capped toe.
  - (c) Height: Optional.
7. Socks:
  - (a) Material: Optional.
  - (b) Color: Dark.
8. Trousers:
  - (a) Material: Polyester blend (wash and wear) B.D.U.
  - (b) Color: Black.
  - (c) Style: Trousers with pockets in front and back.

(b) **Community Service Officer/Community Service Aide:**

1. Cold weather Jacket:
  - (a) Material: Nylon.
  - (b) Color: Navy Blue.
  - (c) Manufacturer: Blauer, or equivalent.
  - (d) Style: Long sleeved.
2. Shirt-Short Sleeve/Long Sleeve:
  - (a) Material: Polyester blend (wash and wear) or wool.
  - (b) Color: Light Blue.
  - (c) Style: Flying Cross Model #6625 FX Deluxe 2x2 Tropical Weave, or equivalent.



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3. Shoes and Boots:
  - (a) Color: Black shoes or boots. Black athletic shoes (Class D).
  - (b) Style: Plain or capped toe (no engraved design). Only round-toed, narrow-necked boots allowed with heel height not to exceed one and one-half inches.
  - (c) Athletic shoes without engraving or colored design. The top may not be higher than the ankle.
  - (d) Height: Optional for black leather shoes or boots.
4. Short Pants:
  - (a) Color: Black.
  - (b) Style: Athletic shorts.
  - (c) Brand: Sportif USA #630170.
  - (d) Material: Polyester/Cotton/Spandex.
  - (e) Length: No modifications may be made to the length.
5. Socks:
  - (a) Material: Optional
  - (b) Color: With low rise shoes or boots, solid black or navy blue socks may be worn. Other colors with high rise boots. Solid white mid-calf socks shall be worn with black athletic shoes.
6. Tie:
  - (a) Material: Tight woven wool, cotton or synthetic material without print.
  - (b) Color: Black.
  - (c) Style: #61. Four in hand medium width (breakaway or ready knotted clip-on style).
7. Trousers:
  - (a) The specifications for the trousers are identical to the sworn members.
8. Turtleneck/Dickie:
  - (a) Material: Tight weave with half fold collar.
  - (b) Color: Black.
  - (c) Style: Long sleeved, short sleeved. Cuffs of undergarment shall not be exposed from shirt sleeve. Dickies are optional, providing they meet the above specifications.
9. Undershirts:
  - (a) Material: Various.
  - (b) Color: White/Black.
  - (c) Style: Crewneck.

# SANTA CRUZ POLICE DEPARTMENT

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10. SCPD Wool Baseball Cap:
  - (a) Material: Wool.
  - (b) Color: Navy Blue.
  - (c) Style: Fitted Wool.
  - (d) Insignia: Santa Cruz Police with "C.S.O." in embroidered white lettering centered above word "Police". All ½ inch lettering.
  
11. Dress Hat:
  - (a) Material: 16 oz. Serge or Elastique.
  - (b) Color: Navy Blue.
  - (c) Style: Police, round.
  - (d) Grommet: ¼ inch metal, black.
  - (e) Vents: Closed, cloth (non-basket), with royal blue upper and lower border.
  - (f) Visor: Black patent leather, approximately 45 degree angle.
  - (g) Strap: Royal blue cord braid.
  - (h) Buttons: Regulation police "P" Buttons (silver).
  - (i) Badge: Department issued hat piece.

# SANTA CRUZ POLICE DEPARTMENT

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